CITATION: Municipal Parking Corporation v. Toronto (City), 2007 ONCA 647
DATE: 20070921
DOCKET: C45551

COURT OF APPEAL FOR ONTARIO

WEILER, ROSENBERG and SIMMONS JJ.A.

BETWEEN:

MUNICIPAL PARKING CORPORATION

Applicant (Respondent on Appeal)

And

CITY OF TORONTO

Respondent (Appellant)

Ansuya Pachai for the City of Toronto

Louis Sokolov, Peter Copeland, and Heidi Rubin for Municipal Parking Corporation

Heard: April 10 and 13, 2007

On appeal from the order of Justice Elizabeth M. Stewart of the Superior Court of Justice dated May 23, 2006.

SIMMONS J.A.:

I. Overview

[1] The main issue on this appeal concerns whether the City of Toronto (the "City") had the authority under s. 150(2) of the *Municipal Act*, 2001, S.O. 2001, c. 25 to pass a by-law prohibiting commercial parking lots and businesses that perform parking enforcement services from issuing private parking tickets to vehicles parked without the parking lot owner's consent.

[2] Municipal Parking Corporation ("MPC") is a business that provides parking enforcement services to private property owners such as shopping malls, strip plazas and apartment buildings. Like other similar businesses, one of MPC's enforcement techniques in relation to alleged parking violators is issuing common law damage claims in the form of private parking tickets.

[3] On July 22, 2004, the City enacted By-Law 725-2004 (the "2004 Amending By-Law"). Amongst other things, the 2004 Amending By-Law amended the City's licensing regulations in relation to businesses that operate commercial parking lots or that perform parking enforcement services by prohibiting the issuance of any form of demand for payment relating to unauthorized parking other than a parking infraction notice under Part II of the *Provincial Offences Act*, R.S.O. 1990, c. P.33.

[4] According to the City, the 2004 Amending By-Law was a response to misleading and abusive forms of private parking enforcement and was authorized under s. 150(2) of the *Municipal Act, 2001*, which permitted the City to exercise its licensing powers for the purpose of consumer protection.[1]

[5] According to MPC, the 2004 Amending By-Law exceeded the scope of the City's then existing licensing powers and was no more than a cash grab by the City that deprived private property owners of their lawful entitlement to compensation from trespassers.

[6] On May 23, 2006, Stewart J. quashed the 2004 Amending By-Law, holding that it was *ultra vires* of the City's licensing powers. In particular, she found that trespassers who park on private property without the property owner's consent do not fall within the definition of "consumer", and that the true purpose of the 2004 Amending By-Law is not therefore consumer protection.

[7] Subsequently, on January 5, 2007, the application judge ordered that the City pay to MPC the sum of $90,000.00 on account of costs on a partial indemnity scale inclusive of disbursements and G.S.T.

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[1] Section 150 of the *Municipal Act, 2001* was subsequently amended by the *Municipal Statute Law Amendment Act, 2006*, S.O. 2006, c. 32, Sch. A. [*MSLAA*], which came into force on January 1, 2007.

[8] The City appeals from the application judge's decision, arguing that the application judge erred by applying an overly restrictive interpretation of the term "consumer protection" as it appeared in s. 150(2) of the *Municipal Act, 2001*. The City also seeks leave to appeal the application judge's costs award.

[9] For the reasons that follow, I conclude that the application judge erred by applying an overly restrictive interpretation to the term "consumer protection".

[10] In addition to submitting that the application judge's interpretation of "consumer protection" was correct, MPC relied on several grounds for finding the by-law invalid that were raised on its application but not determined by the application judge. At the appeal hearing, the City challenged MPC's right to rely on s. 2(b) of the *Canadian Charter of Rights and Freedoms* in the absence of a cross-appeal. Further, MPC acknowledged that several of the grounds it relied on raised factual issues that could only be determined on a new hearing.

[11] However, MPC asked this court to uphold the application judge's ruling based on two grounds that it claimed could be considered by this court as pure questions of law: i) is the by-law invalid because it conflicts with the provisions of the *Trespass to Property Act*, R.S.O. 1990, c. T.21 and with s. 100 of the *Municipal Act, 2001*; and ii) is the by-law invalid because it improperly delegates to the Chief of Police the power to regulate communications between private property owners and persons trespassing on their property. Having considered these grounds, I have concluded that they raise issues that were not fully explored on appeal. In the circumstance, I would allow the appeal, set aside the application judge's order and remit all of the issues that were not dealt with by the application judge to the Superior Court.

[12] This appeal was heard at the same time as the appeal in *Imperial Parking Canada Corporation v. City of Toronto*, [2006] O.J. No. 2079. Separate reasons relating to that appeal will be released concurrently with these reasons.

II. Background

i) Regulatory Scheme relating to Parking Enforcement on Private Property in the City of Toronto

a) The City's Private Property Parking By-law

[13] The City's private property parking by-law is contained in Chapter 915 of the Toronto Municipal Code. Section 915-2B prohibits parking on private property without the consent of the property owner or occupant. Sections 915-3 to 915-6 provide for the

removal of vehicles parked in contravention of the by-law. Section 915-7 creates a *Provincial Offences Act* offence of parking in violation of the by-law. It also stipulates that the owner of the vehicle is guilty of the offence even though the owner was not the driver of the vehicle at the time of the contravention (unless the driver had the vehicle without the owner's consent).

[14] Apart from removal of vehicles, parking by-laws may be enforced by the issuance of parking infractions notices ("PINs") under Part II of the *Provincial Offences Act*. In addition to police officers and parking enforcement officers employed by the Toronto Police Services, PINs can be issued by municipal law enforcement officers ("MLEOs"). MLEOs are persons authorized to enforce municipal laws and are appointed under s. 150 of the Toronto Municipal Code and s. 15 of the *Police Services Act*, RS.O. 1990, c. P.15.

[15] The City's private property parking by-law was enacted originally under the authority of s. 210 (131) of the *Municipal Act*, R.S.O. 1990, c. M.45. Effective January 1, 2003, s. 210 (131) was replaced by ss. 100 and 100.1 of the *Municipal Act, 2001*.[2] Section 100 of the *Municipal Act, 2001*, provided that, in relation to privately owned parking lots, a municipality could only regulate or prohibit parking without the owner's consent where the owner or occupant of the land had filed their written consent to the application of the by-law with the municipal clerk and had erected a sign at the entrance to the land indicating the prohibition.

b) The City's Business Licensing By-Law

[16] The issues on this appeal relate to businesses that operate commercial parking lots or that perform parking enforcement services. Like many other categories of businesses, these businesses are required to obtain a business licence from the City under the terms of the City's licensing by-law. The City's business licensing by-law is contained in Chapter 545 of the Toronto Municipal Code. The types of businesses that are required to obtain a business licence are listed in s. 545-2 of the Toronto Municipal Code and defined in s. 545-1.

[17] Section 545-2(31) of the Toronto Municipal Code requires that "[e]very person who owns or operates a public garage" must obtain a business licence. Similarly, s. 545-2(60) provides that "[e]very private parking enforcement agency" must obtain a business licence.

[18] Under s. 545-1 of the Toronto Municipal Code, "Public Garage" is defined as including a parking lot. No issue was raised on the appeal with the City's position that in

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[2] Sections 100 and 101.1 of the *Municipal Act, 2001*, were subsequently amended by the *MSLAA*.

the context of the licensing by-law, the meaning of the term “parking lot” is restricted to commercial parking lots requiring a fee for parking.

[19] Section 545-1 of the Toronto Municipal Code defines “Private Parking Enforcement Agency” (“PPEA”) as “[a] business which provides or performs parking enforcement services.”

ii) The 2004 Amending By-Law

[20] As already noted, the 2004 Amending By-Law was enacted on July 22, 2004 and included recitals indicating that it was intended as a response to abusive and misleading parking enforcement practices used by PPEAs and commercial parking lots. The practices referred to included issuing parking tags and invoices designed to resemble PINs and charging inflated and unjustified administration fees:

> WHEREAS members of the public have complained to the Toronto Police Service, City staff and City Council concerning the abusive and misleading parking enforcement practices used by private property enforcement agencies and commercial parking lot operators, including the issuance of “look-alike” parking tags and invoices, the imposition of inflated and unjustified administrative fees or “fines” and the sanctioning of abusive collection practices; and
>
> WHEREAS there is no meaningful way in which the public can appeal the validity of these tags, invoices or collection notices, or the amount of the “administrative fees” charged by these companies; and
>
> WHEREAS the Toronto Police Services has expressed its concern that there is an inherent conflict of interest where persons undertaking enforcement activities have a direct financial interest in the amount and collection of invoiced amounts and administrative penalties, and that this leads to abuses which have the effect of eroding and undermining public respect for legitimate law enforcement particularly with respect to the enforcement of City by-laws regulating parking on private and municipal property.

[21] The 2004 Amending By-Law changed the City's licensing by-law in relation to businesses that operate commercial parking lots and PPEAs in five important respects.[3] First, it amended the definition of Parking Enforcement Services to read as follows:

> Parking Enforcement Services -- Any parking enforcement activity, including but not limited to the monitoring of property, issuance of tags, tickets or payment notices, and authorizing the towing of vehicles, carried on in relation to vehicles parked on private property without the consent of the owner or occupant of such property.

[22] Second, it prohibited the owners of businesses that operate commercial parking lots from engaging in parking enforcement activities unless licensed as a PPEA or by using the services of a licensed PPEA.

[23] Third, it required PPEAs to employ MLEOs and to ensure their parking enforcement activities are undertaken by MLEOs only.

[24] Fourth, it prohibited issuing any "document, tag, ticket or notice, or request or demand for payment" to vehicles parked on licensed property (in relation to businesses operating commercial parking lots) or private property (in relation to PPEAs) "other than a parking infraction notice under Part II of the Provincial Offences Act, a Toronto Police Services tow card or other document as approved by the Chief of Police".

[25] Fifth, it set out a definition for the phrase "Issuance Of A Document" as follows:

> ISSUANCE OF A DOCUMENT -- Shall include: to personally hand a document to the vehicle owner or driver, to leave a document on the vehicle with the intention that the vehicle owner will recover it, to mail it to the vehicle owner, or to cause the document to be delivered to the vehicle owner in any other fashion.

III. Section 150 of the *Municipal Act, 2001*

[26] As of July 22, 2004, s. 150(1) of the *Municipal Act, 2001*, provided municipalities with the authority to "license, regulate and govern" businesses carried on in the municipality. However, s. 150(2) limited the purposes for which such licensing powers (including the imposition of conditions) could be used to one or more of the following: health and safety; nuisance control; and consumer protection.

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[3] The 2004 Amending By-Law is reproduced in full in Appendix 'A' to these reasons.

[27] Section 150(3) imposed on municipalities an obligation to include in any licensing by-law an explanation of the reason why the municipality was licensing a business or imposing conditions and of how that reason related to the purposes for which the by-law could be enacted.

[28] In this instance, the 2004 Amending By-Law recited that Council had decided, "in the interests of consumer protection" that the only effective way of eliminating various abusive private property parking enforcement practises was "to restrict persons undertaking parking enforcement activities or providing parking enforcement services … to the issuance of parking infraction notices under Part II of the *Provincial Offences Act*, a Toronto Police Service tow card and other documents as approved by the Chief of Police."

[29] While s. 150(6) sets out a non-exhaustive list of various types of business that may be licensed, s. 150(7) provides some limited exceptions.

[30] The provisions of s. 150 of the *Municipal Act, 2001*, that are relevant for the purposes of this appeal are as follows:

> 150. (1) Subject to the *Theatres Act* and the *Retail Business Holidays Act*, a local municipality may license, regulate and govern any business wholly or partly carried on within the municipality even if the business is being carried on from a location outside the municipality.
>
> (2) Except as otherwise provided, a municipality may only exercise its licensing powers under this section, including imposing conditions, for one or more of the following purposes:
>
> 1. Health and safety.
>
> 2. Nuisance control.
>
> 3. Consumer protection.
>
> (3) A by-law licensing or imposing any condition on any business or class of business passed after this section comes into force shall include an explanation as to the reason why the municipality is licensing it or imposing the conditions and how that reason relates to the purposes under subsection (2).
>
> …

> (6) Businesses that may be licensed, regulated and governed under subsection (1) include,
>
> (a) trades and occupations;
>
> (b) exhibitions, concerts, festivals and other organized public amusements held for profit or otherwise;
>
> (c) the sale or hire of goods or services on an intermittent or one-time basis and the activities of a transient trader; and
>
> (d) the display of samples, patterns or specimens of goods for the purpose of sale or hire. 2001, c. 25, s. 150(6).
>
> (7) Subsection (1) does not apply to,
>
> (a) a manufacturing or an industrial business, except to the extent that it sells its products or raw material by retail;
>
> (b) the sale of goods by wholesale; or
>
> (c) the generation, exploitation, extraction, harvesting, processing, renewal or transportation of natural resources. 2001, c. 25, s. 150(7).

IV. The Application Judge's Reasons

[31] In its application, MPC relied on several factors as rendering the 2004 Amending By-Law invalid. The sole issue addressed by the application judge was whether the 2004 Amending By-Law was invalid because it did not fall within the power to license for consumer protection purposes set out in s. 150(2) of the *Municipal Act, 2001* (which was the stated basis relied on by the City for enacting the 2004 Amending By-Law).

[32] As already noted, the application judge found that trespassers who park unlawfully on private property do not fall within the definition of "consumer", and that the true purpose of the 2004 Amending By-Law is not therefore consumer protection.

[33] The application judge began her reasons by referring to MPC's practice of issuing "parking violation notices". She said, "[f]or the purposes of this application, I find that these notices markedly resemble the appearance of official municipally issued parking tickets and are so designed." However, the application judge also noted that the effect of

the 2004 Amending By-Law would be to direct all revenues from private parking enforcement to the City. She said:

> Under the By-Law Amendment, only licensed PPEAs that employ MLEOs may issue demands for payment on private property. MLEOs are not entitled to enforce any common law property rights, including the law of trespass, or rights pursuant to the *Trespass to Property Act*, R.S.O. 1990, c. T. 21. Significantly, all of the revenue from PINs issued by Toronto employees and by MLEOs is to be paid to Toronto. Neither the owner of the property on which the improper parking has taken place, nor the agency employed by the owner to enforce its parking prohibition or restrictions, will receive any payment or compensation through this process.

[34] In reaching her decision, the application judge referred to the fact that "[u]nder the [licensing provisions] of the predecessor *Municipal Act*, a wider public interest jurisdiction was conferred". She noted that there was some indication in the legislative debates that the intent of the Legislature was apparently "to streamline rather than to expand municipal licensing powers" and concluded that "[b]y specifying a finite list of enumerated categories… the Legislature intended a more focussed scope of municipal jurisdiction to regulate commercial activity."

[35] However, the application judge also acknowledged the recent trend in Supreme Court of Canada jurisprudence of recognizing "the important role of municipal legislators as elected representatives of the community and away from a restrictive approach to the interpretation of municipal powers." In addition, she referred to the need for a "broad and purposive approach" leading to a "more generous interpretation of municipal powers".

[36] In addressing the specific interpretation issue, the application judge noted that "consumer" is not defined in the *Municipal Act, 2001*. She referred to the definition of consumer in Black's Law Dictionary, 7th ed. (St. Paul: Westgroup 1999), namely, "[a] person who buys goods or services for personal, family, or household use…" She said: "[e]ven when read in the context of this licensing scheme, 'consumer' must necessarily be held to refer to one who 'consumes' or seeks to consume the goods or service offered by the licensee."

[37] The application judge said she was unable to see "how trespassers who unlawfully park on private property are consuming any product or service of the regulated business

or how they may be considered consumers in the commonly understood and accepted definition of the word." She concluded:

> Toronto, by enacting the impugned By-Law Amendment and stating that it is for consumer protection purposes, cannot transform a demand for compensation by way of damages for trespass due to unlawful parking into a consumer relationship and thereby prohibit certain business practices which it may deplore.
>
> In my opinion, where a person has in the absence of any contractual relationship, unlawfully parked a vehicle on private residential or commercial property, the person cannot be considered to be a "consumer" in the commonly accepted meaning of the word. It is therefore evident from the terms of the By-Law Amendment itself and the history of its enactment that its real purpose does not fall within the ambit of consumer protection.

V. Analysis

i) Did the application judge err by applying an overly restrictive interpretation to the term "consumer protection" as it appears in s. 150(2) of the *Municipal Act, 2001*?

[38] The issue of whether a municipality acted within its jurisdiction in enacting a by-law is reviewed on a standard of correctness: *United Taxi Drivers' Fellowship of Southern Alberta v. Calgary (City)*, [2004] 1 S.C.R. 485 at para. 5. In my view, the application judge in this case erred by applying an overly restrictive interpretation to the term "consumer protection" as it appears in s. 150(2) of the *Municipal Act, 2001* when she concluded that the 2004 Amending By-Law was *ultra vires* of the City's licensing powers.

[39] As was noted by the application judge, recent jurisprudence requires a "broad and purposive approach" to the interpretation of municipal enabling legislation. As stated by this court in *Croplife v. City of Toronto* (2005), 75 at para. 37 O.R. 355 (C.A.), leave to appeal to S.C.C. refused, [2005] S.C.C.A. No. 329:

> [A]bsent an express direction to the contrary in the *Municipal Act, 2001*, which is not there, the jurisprudence from the

> Supreme Court is clear that municipal powers, including general welfare powers, are to be interpreted broadly and generously within their context and statutory limits, to achieve the legitimate interests of the municipality and its inhabitants.

[40] Moreover, as this court has said many times, in interpreting the words of a statute, it is important to take the broad and purposive approach adopted by several recent decisions of the Supreme Court of Canada from Elmer A. Driedger (Ruth Sullivan, *Sullivan and Driedger on the Construction of Statutes*, 2d ed. (Toronto: Butterworths, 2002)) at 1:

> Today there is only one principle or approach, namely, the words of an Act are to be read in their entire context and in their grammatical and ordinary sense harmoniously with the scheme of the Act, the object of the Act, and the intention of Parliament.

[41] In my view, the application judge erred because, rather than considering the meaning of the term “consumer protection” within the context of the *Municipal Act, 2001*, as a whole, she focussed inappropriately on one commonly understood meaning of the term “consumer”. In *Sullivan and Driedger on the Construction of Statutes*, 5th ed. (Toronto: Butterworths, 2002), the author cautions against undue reliance on dictionary definitions. She says that relying too heavily on dictionary definitions:

> encourages interpreters to treat statutory interpretation disputes as disputes about the meaning of individual words. The interpreter is invited to identify a single word as the source of the problem, rather than a phrase or clause or the provision as a whole.

[42] In my opinion, the modern approach to statutory interpretation requires me to interpret the phrase “consumer protection" as it appears in s. 150(2) of *Municipal Act, 2001*, by considering it in the overall context of enabling legislation that permits municipalities to “license, regulate and govern” businesses. Importantly, apart from certain specific exclusions, there is no restriction in s. 150 on the nature of the businesses that may be licensed. Considered in this context, in my view, a broad purposive approach suggests that “consumer” would include those persons and entities with whom a licensee transacts, engages or deals directly as part of carrying on its licensed business activities.

[43] In this regard, I note that another and broader definition of the word “consumer” than that adopted by the application judge, is found in Webster’s Unabridged Dictionary, 2nd ed. (New York: Random House, 1999): “a person or organization that uses a commodity or service.” Further, another commonly understood meaning of “consumer” is “an individual acting for personal, family or household purposes and … not includ[ing] a person acting for business purposes”: *Consumer Protection Act, 2002*, S.O. 2002, c.30, Sch. A, s. 1, in force July 30, 2005. See also s. 1 of the *Consumer Reporting Act*, R.S.O. 1990, C.33, in which “consumer” is defined as meaning “a natural person but … not includ[ing] a person engaging in a transaction, other than relating to employment in the course of carrying on a business, trade or profession”.

[44] Given the context of enabling legislation empowering municipalities to “license, govern and regulate” a wide range of businesses, it seems to me that a broad and generous construction of the term “consumer protection” in s. 150(2) indicates that it extends to any person with whom a business transacts, engages or deals directly. In relation to commercial parking lots and PPEAs, this would include persons whom a particular business alleges have parked without consent and to whom the business has issued a demand for payment of common law damages. Although “consumer protection” may be restricted to persons not acting for business purposes in relation to their dealings with the licensee, it is unnecessary that I decide that issue in order to resolve the issues on this appeal.

[45] Contrary to the application judge’s conclusion, in my view, the recipients of a demand for payment of common law damages are not trespassers. Rather, they are *alleged* trespassers from whom the business engaged in parking enforcement is seeking to extract a payment. More importantly however, the recipients of such a demand are the individuals with whom the commercial parking lot or PPEA transacts, engages or deals directly in carrying out their business.

[46] I see no suggestion in the *Municipal Act, 2001*, as it stood on July 22, 2004 that the term “consumer” in s. 150(2) should be restricted to persons and entities who *buy* goods or services or who consume or seek to consume goods or services *offered* by the licensee. In my view, by limiting the interpretation of “consumer” in this way, the application judge overlooked the overall objective of the enabling legislation (providing municipalities with appropriate power to protect individuals not acting for business purposes in their dealings with businesses) and focused inappropriately on one commonly understood meaning of the word consumer.

[47] The respondent submits that the application judge was correct in looking to the “public welfare” power in the predecessor legislation and in concluding that the Legislature intended a more focused scope of municipal jurisdiction than that which previously existed. The respondent says that a broad interpretation of the term

"consumer" will eradicate the distinction between the public interest power in the predecessor legislation and the consumer protection power in s. 150(2) of the *Municipal Act, 2001*. This is particularly so in the municipal parking context where it is the public at large that uses the parking facilities.

[48] I reject these submissions. Even if the Legislature intended a more focused and streamlined set of municipal powers in enacting s. 150(2) of the *Municipal Act, 2001*, the issue at hand is the proper interpretation of the term "consumer protection" as it appears in that section. For reasons that I have already explained, in my view, the term consumer extends to any person with whom a business transacts, engages or deals directly. In the context of the 2004 Amending By-Law, it is not the public at large that is being protected, but rather those people from whom commercial parking lots and PPEAs attempt to extract payments.

[49] Based on the foregoing reasons, I accept the appellant's submission that the application judge applied an overly restrictive interpretation to the phrase consumer protection as it appears in s. 150(2) of the *Municipal Act, 2001* and that she erred by quashing the 2004 Amending By-Law based on that interpretation.

VI. Disposition

[50] Based on the foregoing reasons, I would allow the appeal, set aside the application judge's order, and remit the issues not dealt with by the application judge. Given this result, the parties may make written submissions on costs, including the issue of costs below. The City shall have fourteen (14) days from the release of these reasons to deliver their submissions and MPC shall have ten (10) days thereafter to respond.

RELEASED: September 21, 2007 "KMW"

"Janet Simmons J.A."
"I agree K.M. Weiler J.A."
"I agree M. Rosenberg J.A."

APPENDIX ‘A’

CITY OF TORONTO

BY-LAW No. 725-2004

To amend City of Toronto Municipal Code Chapter 545, Licensing, respecting the requirements for private property enforcement agencies undertaking parking enforcement activities.

WHEREAS Section 150 of the *Municipal Act*, *2001*, grants local municipalities the authority to license, regulate and govern any business wholly or partly carried on within the municipality for purposes of health and safety, consumer protection and nuisance control; and

WHEREAS members of the public have complained to the Toronto Police Service, City staff and City Council concerning the abusive and misleading parking enforcement practices used by private property enforcement agencies and commercial parking lot operators, including the issuance of “look-alike” parking tags and invoices, the imposition of inflated and unjustified administrative fees or “fines” and the sanctioning of abusive collection practices; and

WHEREAS there is no meaningful way in which the public can appeal the validity of these tags, invoices or collection notices, or the amount of the “administrative fees” charged by these companies; and

WHEREAS the Toronto Police Services has expressed its concern that there is an inherent conflict or interest where persons undertaking enforcement activities have a direct financial interest in the amount and collection of invoiced amounts and administrative penalties, and that this leads to abuses which have the effect of eroding and undermining public respect for legitimate law enforcement particularly

with respect to the enforcement of City by-laws regulating parking on private and municipal property; and

WHEREAS Council has therefore decided, in the interests of consumer protection, that the only effective remedy for eliminating these abuse practises is to restrict persons undertaking parking enforcement activities or providing parking enforcement services as defined in Chapter 545, Licensing, to the issuance of parking infraction notices under Part II of the *Provincial Offences Act*, a Toronto Police Service tow card and other documents, as approved by the Chief of Police;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. Chapter 545, Licensing, of the City of Toronto Municipal Code is amended as follows:

A. By deleting all references to "subsection 210(131) of the *Municipal Act*" where they appear in Article XXXVII and replacing them with references to "the *Municipal Act, 2001*, or its predecessor".

B. By deleting the definition of "PARKING ENFORCEMENT SERVICES" from § 545-1 and substituting the following:

PARKING ENFORCEMENT SERVCIES – Any parking enforcement activity, including but not limited to, the monitoring of property, issuance of tags, tickets or payment notices, and authorizing the towing of vehicles, carried on in relation to vehicles parked on private property without the consent of the owner or occupant of such property.

C. By adding the following subsections to § 545-269 as follows:

H. Definitions. As used in this section, the following term shall have the meaning indicated:

ISSUANCE OF A DOCUMENT – Shall included to personally hand a document to the vehicle owner or driver, to leave a document on the vehicle with the intention that the vehicle owner will recover it, to mail it to the vehicle owner, or to cause the document to be delivered to the vehicle owner in any other fashion.

I. No person to whom this section relates shall undertake or cause any parking enforcement activities to be undertaken, unless the person has obtained a private property enforcement agency licence under this chapter or the parking enforcement activities are done on the person's behalf by a private parking enforcement agency licensed under this chapter.

J. No person to whom this section relates, or any person employed, engaged or otherwise acting under the authority of a person to whom this section relates, shall issue any document, tag, ticket or notice, or request or demand for payment in relation to vehicles parking on the licensed premises, other than a parking infraction notice under Part II of the *Provincial Offences Act*, as amended, a Toronto Police Service tow card or other document as approved by the Chief of Police and the person to whom this section relates shall ensure compliance with § 545-2691.

D. By adding the following definition to § 545-443 as follows:

ISSURANCE OF A DOCUMENT – Shall include; to personally had a document to the vehicle owner or driver, to leave a document on

the vehicle with the intention that the vehicle owner will recover it, to mail it to the vehicle owner, or to cause the document to be delivered to the vehicle owner in any other fashion.

E. By deleting § 545-444A and substituting the following:

A. Every person applying for, or holding, a licence as an agency shall employ one or more municipal law enforcement officers who have successfully completed the private parking enforcement course, and shall ensure that parking enforcement activities are only undertaken by municipal law enforcement officers.

F. By deleting § 545-445F and substituting the following:

F. Every person designated by an agency in accordance with this section shall have successfully completed the private parking enforcement course.

G. By adding the following subsection to § 545-450:

C. No person employed, engaged or otherwise acting under the authority of an agency shall issue any document, tag, ticket or notice, or request or demand for payment in relation to vehicles parked on private property, other than a parking infraction notice under Part II of the *Provincial Offences Act*, as amended, a Toronto Police Service tow card or other document as approved by the Chief of Police and the agency shall ensure compliance with the § 545-450C.