

SCHEDULE NO. 30
Relating to Private Parking Enforcement Agencies
(Added by By-law 2011-380)

LICENSE REQUIRED

1. In this Schedule,
 - (a) “owner”, when used in relation to property, means,
 - (i) the registered owner of the property;
 - (ii) the registered owner of a condominium unit whose consent shall extend only to the control of the unit of which he or she is owner and any parking spaces allotted to him or her by the condominium corporation or reserved for his or her exclusive use in the declaration or description of the property;
 - (iii) the spouse of a person described in subparagraph (i) or (ii), hereof;
 - (iv) where the property is included in a description registered under The Condominium Act, S.O. 1998, c. 19, as amended, the board of directors of the condominium corporation; and
 - (v) a person authorized in writing by the property owner as defined in subparagraph (i), (ii), (iii) or (iv) hereof to act on the owner's behalf for requesting the provision of parking enforcement services;
 - (b) “occupier” means,
 - (i) the tenant of the property or part thereof whose consent shall extend only to the control of the land of which he or she is tenant and any parking spaces allotted to him or her under his or her lease or tenancy agreement;
 - (ii) the spouse of a tenant; and,
 - (iii) a person authorized in writing by an occupant as defined in subparagraph (i) or (ii) hereof to act on the occupier's behalf for requesting the provision of parking enforcement services.
2. Every person who owns or operates a private parking enforcement agency shall obtain a private parking enforcement agency license.

3. A license issued under this Schedule is not transferable.
4. No person shall provide or perform parking enforcement services, or cause any parking enforcement activities to be provided or performed, without first having obtained a valid license issued under this Schedule.

EXEMPTIONS

5. The parking enforcement services of the following are not subject to this Schedule:
 - (a) an educational or health institution or agency having a parking ticket revenue sharing agreement in place with the City of Ottawa pursuant to subsection 21(1), Schedule "B", of the Delegation of Authority By-law 2011-28, as amended, and,
 - (b) Carleton University and Algonquin College of Applied Arts and Sciences, with respect to parking enforcement services on their own property.

CONDITIONS FOR ISSUANCE & RENEWAL

6. (1) No license shall be issued or renewed unless the applicant:
 - (a) is at least eighteen (18) years of age;
 - (b) has provided to the Chief License Inspector an address within the City of Ottawa or other contact information to which the public has reasonable access to make inquiries in person about the business;
 - (c) has provided to the Chief License Inspector a list containing the address of each property for which parking enforcement services are provided;
 - (d) has provided the proof of insurance as required under this Schedule; and,
 - (e) has provided the Chief License Inspector proof that the owner or occupier of the property on which private parking enforcement services are to be provided consents to the provision of such services on the property.

(amended by By-law 2021-317)

- (2) The Chief License Inspector may impose such additional conditions for the issuance, renewal or holding of a license under this Schedule as she or he deems necessary to ensure public safety or consumer protection.

- (3) Subject to Sections 13 and 21 of this By-law, being By-law No. 2002-189 as amended, if, in the opinion of the Chief License Inspector following a review of the relevant investigations or inspections, the private parking enforcement agency's actions are deemed to be adverse to the public interest or to public safety, the Chief License Inspector may refuse to renew the license.
- (4) No private parking enforcement agency licensed under this Schedule is eligible for a tow service operator license or a tow truck driver license under this By-law.

(By-law 2021-317)

(Subsection (4) to be repealed and replaced with the following):

- (4) *No tow operator or tow truck driver, as defined by the Towing and Storage Safety Enforcement Act, 2021, S.O. c.26, Sched. 3 (as amended), is eligible for a Private Parking Enforcement Agency license under this By-law.*

(By-law 2024-XX)

PROVISION OF PARKING ENFORCEMENT SERVICES

7. No licensee shall fail to ensure that only Deputized Officers provide parking enforcement services.

CONTROL OVER PARKING ENFORCEMENT SERVICES

8. No person licensed under this Schedule who is an individual person shall fail to maintain control over the management and operations of the agency and shall not delegate this responsibility.
9. No person licensed under this Schedule who is a corporation shall fail to designate one of its officers or employees as designated manager to be responsible for maintaining control over the management and operations of the agency on behalf of the corporation, and such officer or employee shall not delegate this responsibility.
10. No licensee shall fail to provide the Chief License Inspector with the name and address of the current designated manager pursuant to Section 9 on the form provided by the Chief License Inspector for that purpose.

LIST OF PROPERTIES TO BE PROVIDED

11. (1) No licensee shall fail to provide the Chief License Inspector with an updated list of properties required under paragraph (c) of subsection 6(1) within 10 (ten) days of any alteration or amendment of the list.
- (2) No licensee shall provide or allow to be provided any parking enforcement services at any property that is not listed on the list required to be filed under paragraph (c) of subsection 6(1).

REGULATION REGARDING ISSUANCE OF TICKETS OR OTHER DOCUMENTS

12. (1) No person shall issue, or cause to be issued, any document, ticket, notice, invoice, request, or demand of any kind, for payment in relation to motor vehicles parked on private property without the consent of the owner or occupier of the property other than a parking infraction notice under Part II of the Provincial Offences Act, as amended.
- (2) For the purposes of subsection (1), the issuance of any document, ticket, notice or invoice, request, or demand of any kind, for payment includes:
 - (a) to personally hand it to the motor vehicle owner or driver; and,
 - (b) to leave it on the motor vehicle with the intention that the motor vehicle owner shall recover it.

PROHIBITION REGARDING REMOVAL OF MOTOR VEHICLES

13. (1) No person shall remove or cause to be removed any motor vehicle parked on private property without the consent of the owner or occupier of the property.
- (2) Despite subsection (1), a Deputized Officer providing parking enforcement services for a private parking enforcement agency licensed under this Schedule may arrange for the towing of a vehicle that is illegally parked on private property if all of the following conditions are met:
 - (a) the owner or occupier of the private property on which the illegally parked vehicle is located must provide consent prior to having the vehicle towed from the private property;
 - (b) the tow may occur only upon issuance of a minimum of three (3) Parking Infraction Notices (PIN) for the same vehicle on the same property for three (3) separate violations which are non-continuous in nature;

- (c) the Deputized Officer must issue a City of Ottawa parking infraction notice (PIN) in respect of the illegally parked vehicle; and
 - (d) the Deputized Officer must arrange the tow through By-law and Regulatory Services (BLRS) Dispatch in accordance with the protocol set out and communicated by the Chief License Inspector.
- (3) With the exception of Deputized Officers initiating the towing of vehicles pursuant to subsection (2), when consent of the owner or occupier is obtained, only a police officer, police cadet, municipal law enforcement officer or officer appointed for carrying out the provisions of subsection 170(15) of the Highway Traffic Act may cause a motor vehicle to be moved or taken to and placed or stored in a suitable place, and all costs and charges for the removal, care and storage of the motor vehicle, if any, are a lien upon the motor vehicle, which may be enforced in the manner provided by the Repair and Storage Liens Act.

(repealed and replaced by By-law 2021-317)

INDEMNIFICATION & INSURANCE REQUIRED

14. (1) The licensee shall indemnify and save harmless the City of Ottawa, its employees and agents from any and all claims, demands, causes or action costs or damages howsoever caused that the City may suffer, incur or be liable for resulting from the issuance of a license under this Schedule or from the performance or non-performance of the private parking enforcement agency under this by-law whether or not such performance or non-performance arises with or without negligence on the part of the agency, its employees, directors or agents.
- (2) Prior to the issuance or renewal of a license under this Schedule, the private parking enforcement agency shall file with the Chief License Inspector proof of insurance of Commercial General Liability coverage subject to limits not less than Two Million Dollars (\$2,000,000) inclusive per occurrence for bodily injury, death and damage to property, including loss of use thereof.
- (3) The insurance coverage required by subsection (2) shall include the City of Ottawa as additional insured and shall include a provision whereby the City of Ottawa will be provided with 30 (thirty) days prior notice of any cancellation or variation to the policy.

REPRESENTATION

15. No person shall publish or cause to be published any representation that the person is licensed under this Schedule if they are not so licensed.

COST-RECOVERY FOR ELIGIBLE LICENSEES

16. (1) The General Manager of Emergency and Protective Services and the Chief License Inspector individually are authorized to approve, execute, amend or extend agreements respecting cost-recovery with private parking enforcement agencies under the following conditions:
- (a) the private parking enforcement agency is duly licensed under this Schedule;
 - (b) the private parking enforcement agency has paid the applicable licensing fee set out in Schedule "A";
 - (c) the private parking enforcement agency uses, at its own costs, hand-held ticketing devices and associated hardware and software approved by the Chief License Inspector for the purposes of issuing Parking Infraction Notices, unless otherwise provided in the agreement;
 - (d) a minimum of 2,600 Parking Infraction Notices are issued annually by the private parking enforcement agency for each year that the agreement is in effect;
 - (e) the agreement is structured so that the private parking enforcement agency recovers from the City, on each paid Parking Infraction Notice, the following amount in relation to the offence for which the Parking Infraction was issued:
 - (i) fifty per cent (50%) of the amount paid of the early payment amount or other fine that has been imposed, up to a maximum amount equal to 50% of the early payment amount, for the offence of unauthorized parking on private property pursuant to s. 112 of the Traffic and Parking By-law (By-law No. 2003-530, as amended), or any successor by-law,
 - (ii) fifty per cent (50%) of the amount paid of the fine that has been imposed, up to a maximum of \$33.50, for the offence of stopping or parking a motor vehicle on a designated fire

route when stopping or parking is prohibited by an authorized sign, pursuant to s. 5(1) of the Fire Routes By-law (By-law 2003-499, as amended), or any successor by-law; and

- (iii) fifty per cent (50%) of the amount paid of the fine that has been imposed, up to a maximum of \$50.00, for the offence of parking, without displaying a valid disability parking permit, a motor vehicle in a public parking area in a parking space reserved for physically disabled persons and identified by authorized signs, pursuant to s. 126(1) of the Traffic and Parking By-law (By-law No. 2003-530, as amended), or any successor by-law, and,
 - (f) the agreement is in a form satisfactory to the City Clerk and Solicitor.
- (2) The General Manager of Emergency and Protective Services and the Chief License Inspector individually are authorized to amend the number of Parking Infraction Notices set out in subsection (1), paragraph (d), where the General Manager or Chief License Inspector deem it to be appropriate provided that all other requirements of subsection (1) are met.
- (amended by By-law 2021-317)**
- (3) The exercise of delegated authority pursuant to subsections (1) and (2) shall be reported to the Community and Protective Services Committee of the City at least once each calendar year.

EXEMPTION – LICENSE FEE

17. Despite any other requirement of this By-law, a private parking enforcement agency that does not enter into a cost-recovery agreement with the City pursuant to Section 16 is not required to pay a license fee under Schedule “A” for a private parking enforcement agency license.