

April 23, 2009

To: The Board of Governors of Exhibition Place

From: Dianne Young, Chief Executive Officer

Subject: **Exhibition Place Traffic By-law No. 45-84**

Summary:

To recommend revisions to Traffic By-law No. 45-84 as required in order to make an application to the Attorney-General for Ontario for approval of set fines for offences under the by-law.

Recommendations:

It is recommended that The Board of Governors of Exhibition Place recommend to City Council that:

- (1) Subject to approval by the City of Toronto, the Board approve of the amendment to By-law No. 45-84 of the former Municipality of Metropolitan Toronto, respecting the regulation of traffic in Exhibition Place, to replace the current offence provision with an updated provision as substantially set out in Attachment 1 to this report;**
- (2) Following approval by City of Toronto Council, the City Solicitor make application to the Ministry of the Attorney-General for the approval of set fines for offences under the amended By-law No. 45-84; and**
- (3) the appropriate Board and City Officials be authorized and directed to take the necessary action to give effect thereto.**

Financial Implications and Impact Statement:

The recommendations in this report do not have any financial implications.

Decision History:

The former Municipality of Metropolitan Toronto Council enacted By-law No. 45-84, respecting the regulation of traffic in Exhibition Place on April 10, 1984. This by-law provides for the regulation of traffic on park roadways within Exhibition Place, including parking, standing, stopping, the erection of stop signs and the establishment of a 30 kilometre per hour speed limit within Exhibition Place.

Issue Background:

The City Solicitor has been requested by the Manager of Security Services for Exhibition Place to make application to the Ministry of the Attorney-General for the approval of set fines and short form wordings for the various offences created by By-law No. 45-84. The approval of these fines will allow the by-law to be enforced through the issuance of standard tickets (for illegal parking, standing, stopping on the Exhibition Place park roadways) with a set fine amount in the same manner as, for example, tickets are issued under City of Toronto traffic and parking

by-laws. These fines for the City of Toronto are currently in the amount of \$40 per offence which is the proposed set fine to be adopted by Exhibition Place. (It should be noted that the offences of running a stop sign or speeding are moving offences for which fines are issued or charges laid under the *Highway Traffic Act* not pursuant to By-law No. 45-84.)

Comments:

While the City Solicitor has a standing authority from City Council to make set fine applications where required, a review of the existing Exhibition Place Traffic By-law No. 45-84 has indicated that the current offence provisions in the by-law are out-of-date. Based on past experience, a current and up-dated offence provision is necessary before the Ministry of the Attorney-General will be willing to process the City's application to establish set fines for the by-law. Therefore, it is recommended that the current offence provision in Traffic By-law No. 45-84 be deleted and replaced with a provision in a form substantially as set out in Attachment 1 to this report, the substance of which has been prepared in consultation with the City Solicitor. Once the amended By-law No. 45-84 is approved by the Board, a recommendation will be sent onto City of Toronto Council.

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Dianne Young, Chief Executive Officer

List of Attachments:

Attachment 1 – Proposed Amendment to By-law 45-84

PROPOSED AMENDMENT TO BY-LAW 45-84

That section 11 of the By-law be deleted and replaced with the following:

11. (1) Any person who contravenes any of the provisions of this by-law, other than section 6, resulting from the operation of a motor vehicle, is guilty of an offence.
- (2) Any person who contravenes the provision contained in section 6 of this by-law, resulting from the operation of a motor vehicle, is guilty of an offence under the *Highway Traffic Act*.
- (3) Where a motor vehicle has been left parked, stopped or standing in contravention of this by-law, the owner of the motor vehicle at the time of the contravention is guilty of an offence and is liable to the fine prescribed for the offence unless, at the time of the offence, the motor vehicle was in the possession of some person other than the owner without the owner's consent.