EXECUTIVE SUMMARY:

The Board of Directors of River Park Condominium (Frontenac Condominium Corporation No. 68) has requested authority to issue City of Kingston parking tickets for unauthorized parking on the property off John Counter Boulevard at Montreal Street known as River Park Condominium, including Newmarket Lane and Ascot Lane.

RECOMMENDATION:

THAT a by-law be presented to amend By-Law No. 99-166, “A By-Law To Prohibit The Parking Or Leaving Of Motor Vehicles On Private Property Without The Consent Of The Owner Or Occupant Of The Property, Or On Property Owned Or Occupied By The City Of Kingston Or Any Local Board Thereof, Without The Consent Of The City Of Kingston Or Local Board”, to appoint Craig Clement and Jason Ruffolo for the purpose of issuing parking violation tickets and to enforce the provisions of By-Law 99-166 on the property off John Counter Boulevard at Montreal Street comprising River Park Condominium; and

THAT this approval is subject to the applicant entering into an agreement, in a form satisfactory to the City Solicitor, to indemnify and save harmless the City from all claims and actions that might arise, and subject further to providing proof of sufficient insurance in a form satisfactory to the City Solicitor.
AUTHORIZING SIGNATURES:

<table>
<thead>
<tr>
<th>ORIGINAL SIGNED BY COMMISSIONER</th>
<th>Lanie Hurdle, Commissioner, Community Services</th>
</tr>
</thead>
<tbody>
<tr>
<td>ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER</td>
<td>Gerard Hunt, Chief Administrative Officer</td>
</tr>
</tbody>
</table>

CONSULTATION WITH THE FOLLOWING COMMISSIONERS:

<table>
<thead>
<tr>
<th>Commissioner</th>
<th>Position</th>
<th>Consultation Required</th>
</tr>
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<tbody>
<tr>
<td>Cynthia Beach</td>
<td>Corporate and Strategic Initiatives</td>
<td>N/R</td>
</tr>
<tr>
<td>Denis Leger</td>
<td>Transportation, Facilities &amp; Emergency Services</td>
<td>N/R</td>
</tr>
<tr>
<td>Jim Keech</td>
<td>President and CEO, Utilities Kingston</td>
<td>N/R</td>
</tr>
</tbody>
</table>

(N/R indicates consultation not required)
OPTIONS/DISCUSSION:
The Board of Directors of River Park Condominium (F.C.C. # 68), through Gary Bennett of Bendale Property Management, has requested authority to issue City of Kingston parking tickets for unauthorized parking on the property known as River Park Condominium, a townhouse community containing the private streets Newmarket Lane and Ascot Lane, located off John Counter Boulevard, east of Montreal Street. The Municipal Act enables Council to authorize such a request. The written request is attached as Exhibit “B” to this report. Note that the location in the correspondence is misidentified as being at Elliot Avenue, instead of at John Counter Boulevard.

It has been existing policy for many years for the City to grant this type of authorization to property owners to issue tickets on their own property to assist them in controlling traffic and parking issues on their properties. Currently, the City of Kingston has authorized approximately forty private landowners with similar authority. The applicant has agreed to indemnify the City and to provide proof of insurance. The applicant has agreed to do so in return for using City parking infraction notices and administrative processes. The City would retain all revenue.

Allowing the property owner to issue parking tickets provides him/her an alternative to towing a vehicle, or if towing becomes necessary, the issuance of a ticket further legitimizes such an action.

Persons authorized under this by-law receive training before being supplied with City of Kingston parking tickets for their designated private properties. Ticketing activity on private property is monitored by Licensing & Enforcement staff to ensure that the appointee is acting in compliance with the relevant requirements in the Provincial Offences Act, and with municipal by-laws and divisional policies.

A City of Kingston parking ticket issued on private property can be contested in the same manner as a ticket issued on public property, including administrative and/or judicial review.

This authorization may be withdrawn at any point in the future by repealing the amendment, should it ever prove to become a burden to the City, financially or otherwise.

EXISTING POLICY/BY LAW:
By-Law 99-166 regulates the parking of vehicles on private property and on property owned or occupied by the City of Kingston.

NOTICE PROVISIONS:
N/A

ACCESSIBILITY CONSIDERATIONS:
This report is available in alternate formats upon request.
FINANCIAL CONSIDERATIONS:
There may be a minor increase in ticket fine revenue if this request is approved.

CONTACTS:
Kim Leonard, Manager, Licensing & Enforcement 613-546-4291 ext. 3222
Greg McLean, Policy & Program Coordinator 613-546-4291 ext. 1336

OTHER CITY OF KINGSTON STAFF CONSULTED:
N/A

EXHIBITS ATTACHED:
Exhibit A Draft By-Law Amendment
Exhibit B Correspondence from Bendale Property Management
BY-LAW NO. 2014-XXX

A BY-LAW TO AMEND BY-LAW NO. 99-166 “A BY-LAW TO PROHIBIT THE PARKING OR LEAVING OF MOTOR VEHICLES ON PRIVATE PROPERTY WITHOUT THE CONSENT OF THE OWNER OR OCCUPANT OF THE PROPERTY, OR ON PROPERTY OWNED OR OCCUPIED BY THE CITY OF KINGSTON OR ANY LOCAL BOARD THEREOF, WITHOUT THE CONSENT OF THE CITY OF KINGSTON OR THE LOCAL BOARD”.

PASSED:

The Council of the Corporation of the City of Kingston hereby enacts as follows:

1. By-law No. 99-166 of the Corporation of the City of Kingston entitled “A by-law to prohibit the parking or leaving of motor vehicles on private property without the consent of the owner or occupant of the property, or on property owned or occupied by the City of Kingston or any board thereof, without the consent of the City of Kingston or the local board”, as amended, is hereby further amended as follows:

1.1. Section 11 is hereby amended by adding the following hereto:

Frontenac Condominium Corporation # 68 – River Park Condominium - John Counter Boulevard at Montreal Street – Newmarket Lane and Ascot Lane

a) Craig Clement
b) Jason Ruffolo

2. This By-Law shall come into force and take effect on the date of its passing.

GIVEN FIRST AND SECOND READINGS: ________________________________

GIVEN THIRD READING AND FINALLY PASSED: ________________________________

CITY CLERK ___________________________ MAYOR ________________________________
City of Kingston  
216 Ontario Street  
Kingston, ON  
K7L 2Y6  
Attn: Bylaw Enforcement

Dear Sirs /Madam:

Parking Enforcement Authority

I am writing on behalf of the River Park Condominium (Frontenac Common Element Condominium Corporation No: 68). The property comprises Newmarket Lane and Ascot Lane townhouses located just off Montreal Street at Elliot Avenue.

The Board of Directors have requested that they have persons designated to issue parking infraction tickets on the private property of the Corporation to assist with traffic and parking enforcement matters.

The designated persons would be Mr. Craig Clement and Mr. Jason Ruffolo. Our request for parking bylaw enforcement would be for the private roadways and parking lot areas only within the condominium community.

If you require any additional information, please let us know.

Yours Truly,

Gary Bennett BA, MPA, RCM, ACCI, AIHM  
Site Manager

February 13, 2014