Executive Summary:

Dave Descent, Property Manager of Frontenac Condominium Corporation 11, The Landmark, has requested authority to issue City of Kingston parking tickets for unauthorized parking on the property of 165 Ontario Street.

Recommendation:

That a by-law be presented to amend By-Law Number 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 Ron Cavanaugh, John Pickernell, Rob Bennett and Jason Ruffolo for the purpose of issuing parking violation tickets and to enforce the provisions of By-Law Number 99-166 on the property located at 165 Ontario Street; 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:

ORIGINAL SIGNED BY COMMISSIONER
Lanie Hurdle, Commissioner, Community Services

ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER
Gerard Hunt, Chief Administrative Officer

Consultation with the following Commissioners:
Cynthia Beach, Corporate & Strategic Initiatives Not required
Denis Leger, Transportation, Facilities & Emergency Services Not required
Jim Keech, President and CEO, Utilities Kingston Not required
Options/Discussion:

Dave Descent, Property Manager of Frontenac Condominium Corporation 11, The Landmark, has requested authority to issue City of Kingston parking tickets for unauthorized parking on the property of 165 Ontario Street. Mr. Descent advises that the ability to issue parking tickets is being requested to control unauthorized use of the parking spaces in the building’s underground garage. The Municipal Act enables Council to authorize such a request. The required amending by-law is attached as Exhibit “A” and the written request is attached as Exhibit “B” to this report.

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 also 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 property. Ticketing activity on private property is monitored by Licensing and 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 Number 99-166 regulates the parking of vehicles on private property and on property owned or occupied by the City of Kingston.

Notice Provisions:

Not applicable

Accessibility Considerations:

Not applicable
Financial Considerations:
There may be a minor increase in ticket fine revenue if this request is approved.

Contacts:
Terry Willing, Director, Building and Licensing 613-546-4291 extension 3240
Kim Leonard, Manager, Licensing and Enforcement 613-546-4291 extension 3222
Greg McLean, Policy and Program Coordinator 613-546-4291 extension 1336

Other City of Kingston Staff Consulted:
Not applicable

Exhibits Attached:
Exhibit A - Draft By-Law Amendment
Exhibit B - Correspondence from The Landmark
By-Law Number 2014-XX

A By-Law to Amend By-Law Number 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: Month XX, 2014

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

1. By-Law Number 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 # 11, The Landmark – 165 Ontario Street
   a) Ron Cavanaugh
   b) John Pickernell
   c) Rob Bennett
   d) Jason Ruffolo

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

Given First and Second Readings Month XX, 2014

Given Third Reading and Passed Month XX, 2014
John Bolognone
City Clerk

Mark Gerretsen
Mayor
May 13, 2014

City of Kingston
213 Ontario St.
Kingston, ON
K7L 2Y6

Attn: By-Law Enforcement

Dear Sir/Madam,

Please accept this letter as our request to have the following employees issue parking tickets in the garage at the above addressed property:

-Ron Cavanaugh
-John Pickernell
-Rob Bennett
-Jason Ruffolo

Should you have any questions, please call the writer at 613-541-9287.

Thank you for your assistance in this matter.

Yours Truly,

[Signature]

Dave Descent,
Property Manager