



THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number 206-79

A By-law to prohibit the parking or leaving of motor vehicles on private or municipal property without consent

WHEREAS paragraph 112 of section 354(1) of The Municipal Act (R.S.O. 1970, c. 284, as amended) authorizes the prohibition of the parking or leaving of motor vehicles on certain property without the consent of the owner or occupant;

NOW THEREFORE the Council of The Corporation of the City of Brampton ENACTS as follows:

1. In this by-law,
 - (1) "agent" means a person authorized in writing to give consent or to make a written complaint on behalf of the owner or occupant, for the purposes of this by-law;
 - (2) "enforcing official" means an officer or constable of the Peel Regional Police Force, a by-law enforcement officer for the City of Brampton, and a special constable appointed to enforce the provisions of this by-law;
 - (3) "motor vehicle" includes an automobile, motor cycle, motor assisted bicycle, and any other vehicle propelled or driven otherwise than by muscular power;

- (4) "occupant" includes a tenant, and a person or a municipality or a local board thereof having an easement or right-of-way over the property;
 - (5) "owner", when used in relation to real property, means,
 - (a) where there is a condominium upon the property,
 - (i) in respect of a unit and that part of the common elements reserved for the exclusive use of the unit owner, the registered owner of that unit, and,
 - (ii) in respect of all other parts of the common elements, the corporation incorporated under The Condominium Act for that condominium;
 - (b) otherwise, the registered owner of the property.
2. (1) The consent of the registered owner of a condominium unit, or of an occupant or agent, shall extend to only those parts of the common elements which have been reserved exclusively for use in connection with that unit;
- (2) The consent of an occupant or his agent shall extend only to those parking spaces and areas reserved or set aside for use in connection with the unit or property occupied.
- (3) The consent of a person or his agent, or of a municipality or a local board thereof,

having an easement or right-of-way over the property, shall extend only to the part of the property that is subject to the easement or right-of-way.

3. (1) No person shall park or leave a motor vehicle

(a) on private property without the consent of the owner or occupant of the property, or of an agent of either, and

(b) on property owned or occupied by The Corporation of the City of Brampton or any local board thereof without the consent of the Corporation or local board, as the case may be;

(2) Where signs have been posted, stating conditions on which a motor vehicle may be parked or left on the property, or prohibiting the parking or leaving of a motor vehicle on the property, a motor vehicle parked or left on the property contrary to such conditions or prohibitions shall be deemed to have been parked or left without consent.

4. Where a vehicle is found parked or standing in contravention of the provisions of this by-law, the enforcing official may issue a summons or issue and attach to or place on the vehicle a ticket in the form of a serially numbered notice stating:

(a) the licence number and a concise description of the vehicle;

- (b) that the vehicle is unlawfully parked;
 - (c) the date, time and place of the alleged offence;
 - (d) that the owner or driver thereof may make a voluntary payment of ten dollars (\$10.00) to The Corporation of the City of Brampton, by attendance at its offices between the hours of 8:30 a.m. and 4:30 p.m., exclusive of Saturdays, Sundays and holidays, or by mail thereto, within five (5) days after the day upon which the ticket was issued; and
 - (e) that in the event of a failure to make such payment, a summons will be issued pursuant to The Summary Convictions Act.
5. The driver or owner of a motor vehicle parked or left on private property upon which there is a rental apartment building is not liable to a penalty or to have the motor vehicle removed from such property or impounded for a contravention of section 3 unless
- (a) such property is clearly marked by signs erected thereon which indicate the restrictions on or prohibition of parking on the property, and
 - (b) a written complaint is received from
 - (i) the owner of the property,
 - (ii) an adult occupant of the unit of the apartment building for which the parking space occupied by the motor vehicle has been reserved or set aside, or

(iii) the agent of either the owner or the occupant.

6. The driver or owner of a motor vehicle parked or left on private property upon which there is a residential condominium is not liable to a penalty or to have the motor vehicle removed from such property or impounded for contravention of section 3 unless

(a) such property is clearly marked by signs erected thereon which indicate the restrictions on or prohibition of parking on the property, and

(b) a written complaint is received from

(i) the board of directors of the corporation incorporated under The Condominium Act for that condominium, or

(ii) an agent of the board of directors ~~of~~ that condominium corporation.

7. The driver or owner of a motor vehicle parked or left on private property used for commercial or industrial purposes is not liable to a penalty or to have the motor vehicle removed from such property or impounded for a contravention of section 3 unless

(a) such property is clearly marked by signs erected thereon which indicate the restrictions on or prohibition of parking on the property, and

(b) a written complaint is received from

(i) the owner of the property,

- (ii) an occupant of the property or part thereof for which the parking space occupied by the motor vehicle has been reserved or set aside, or
- (iii) an agent of the owner or occupant.

8. The driver or owner of a motor vehicle parked or left on private property used for residential purposes but not having thereon a rental apartment building or a condominium is not liable to a penalty or to have the motor vehicle removed from such property or impounded for a contravention of section 3 unless a written complaint is received from the owner or an adult occupant of that property.
9. The driver or owner of a motor vehicle parked or left on the property owned or occupied by a local board of the municipality is not liable to a penalty or to have the motor vehicle removed from such property or impounded for contravention of section 3 unless
 - (a) such property is clearly marked by signs erected thereon which indicate the restrictions on or the prohibition of parking on the property, and
 - (b) a written complaint is received from an official of the local board.
10. An enforcing official, upon discovery of any vehicle parked or standing in contravention of the provisions of this by-law, may cause it to be moved or taken to and placed or stored in a suitable place, at the owner's expense, and all costs and charges for removing, care and storage thereof, if any, are a lien upon the vehicle which may be enforced in the manner provided by section

48 of The Mechanics' Lien Act.

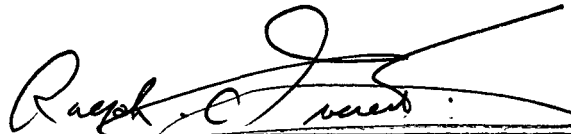
11. The driver of a motor vehicle, not being the owner, is liable to any penalty provided in this by-law, and the owner of the motor vehicle is also liable to such a penalty unless at the time the offence was committed, the motor vehicle was in the possession of a person other than the owner without the owner's consent.

12. Any person who contravenes any of the provisions of this by-law is guilty of an offence and is liable to a penalty of not more than One Thousand Dollars (\$1,000.00), exclusive of costs, for each offence.

13. By-laws 13-74, 107-75 and 40-78 are hereby repealed.

READ a FIRST, SECOND and THIRD TIME and PASSED in Open Council
this 7th day of August, 1979.


James E. Archdekin, Mayor


Ralph A. Everett, City Clerk