

An Act to amend the City of Toronto Act, 2006, the Highway Traffic Act and the Municipal Act, 2001 with respect to accessible parking

This Act amends or repeals more than one Act. For the legislative history of these Acts, see the Table of Consolidated Public Statutes – Detailed Legislative History at www.e-Laws.gov.on.ca.

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

City of Toronto Act, 2006

1. Section 80 of the *City of Toronto Act, 2006* is repealed and the following substituted:

Municipal by-law, accessible parking

80. (1) The City shall pass a by-law for establishing a system of accessible parking.

Accessible parking permits

(2) The sole manner of identifying vehicles for the purposes of accessible parking shall be an accessible parking permit issued and displayed in accordance with the *Highway Traffic Act* and the regulations made under it.

Designated parking spaces

(3) A by-law passed under subsection (1) shall require the owners or operators of parking lots or other parking facilities to which the public has access, whether on payment of a fee or otherwise, to provide designated parking spaces in accordance with subsections (4) and (5) for vehicles displaying a Level 1 or Level 2 accessible parking permit and shall specify the conditions of use of accessible parking permits and prohibit their improper use.

Parking spaces designated in red and blue

- (4) The City shall, in accordance with the regulations, designate parking spaces,
- (a) in red, for vehicles displaying a Level 1 accessible parking permit;
 - and
 - (b) in blue, for vehicles displaying a Level 2 accessible parking permit.

Size of designated parking spaces

(5) Parking spaces for vehicles displaying a Level 1 or Level 2 accessible parking permit shall meet the size requirements set out in the regulations.

Removal of vehicle

(6) Despite section 78, a by-law passed under subsection (1) may provide for the removal and impounding of any vehicle, at its owner's expense, parked or left contrary to the by-law and subsection 170 (15) of the *Highway Traffic Act* applies with necessary modifications to the by-law.

Parking infraction disputes

(7) A by-law passed under subsection (1) shall establish a process by which persons with disabilities who hold an accessible parking permit may, by telephone, obtain assistance for or resolve a matter relating to a parking infraction notice.

2. The Act is amended by adding the following section:

Regulations re accessible parking

117.1 The Lieutenant Governor in Council may make regulations providing for any matters which, in the opinion of the Lieutenant Governor in Council, are necessary or desirable for the purposes of section 80, including,

- (a) governing the designation of accessible parking spaces;
- (b) prescribing size requirements for parking spaces for vehicles displaying a Level 1 or Level 2 accessible parking permit.

Highway Traffic Act

3. (1) Subsection 26 (1) of the *Highway Traffic Act* is repealed and the following substituted:

Accessible parking permits

(1) The Minister shall issue a Level 1 or Level 2 accessible parking permit for general use to every individual who submits an application to the Ministry in a form provided by the Ministry and who meets the conditions set out in subsection (1.1) or (1.2), as the case may be.

Level 1 accessible parking permit

(1.1) For the purposes of subsection (1), a regulated health practitioner must certify the following on the application form of an applicant for a Level 1 accessible parking

permit:

1. The applicant is a person with a disability.
2. The applicant cannot walk without the assistance of another individual or of a brace, cane, crutch, lower limb prosthetic device or similar assistive device or requires the assistance of a wheelchair.
3. The nature of the disability.
4. Whether the disability is temporary or permanent or whether this fact is unknown.
5. If the disability is temporary, the anticipated length of time the disability is expected to continue, if known.

Level 2 accessible parking permit

(1.2) For the purposes of subsection (1), a regulated health practitioner must certify the following on the application form of an applicant for a Level 2 accessible parking permit:

1. The applicant is a person with a disability.
2. The nature of the disability.
3. Whether the disability is temporary or permanent or whether this fact is unknown.
4. If the disability is temporary, the anticipated length of time the disability is expected to continue, if known.

Corporations

- (1.3) The Minister shall issue a Level 1 or Level 2 accessible parking permit to,
- (a) a corporation that submits an application to the Ministry in a form provided by the Ministry, in respect of the number of vehicles that are owned or leased by the corporation primarily to provide transportation services to persons with a disability; and
 - (b) an organization that submits an application to the Ministry in a form provided by the Ministry, in respect of the number of vehicles that are owned or leased by the organization and used on a non-profit basis to provide transportation services to persons with a disability.

(2) Section 26 of the Act is amended by adding the following subsection:

Interpretation

(5) For the purposes of this section,

“person with a disability” means an individual,

(a) who suffers from lung disease to such an extent that his or her forced expiratory volume in one second is less than one litre,

(b) for whom portable oxygen is a medical necessity,

(c) who suffers from cardiovascular disease to such an extent that the individual’s functional capacity is classified as Class III or Class IV according to Nomenclature and Criteria for Diagnosis of Diseases of the Heart and Great Vessels, ninth edition, published by Little, Brown & Co. in 1994,

(d) whose ability to walk is severely limited due to an arthritic, neurological, musculoskeletal or orthopaedic condition,

(e) whose visual acuity is 20/200 or poorer in the better eye, with corrective lenses if required, or whose maximum field of vision using both eyes has a diameter of 20 degrees or less, or

(f) whose mobility is severely limited by one or more conditions or functional impairments.

Municipal Act, 2001

4. Section 102 of the *Municipal Act, 2001* is repealed and the following substituted:

Municipal by-laws, accessible parking

102. (1) Every municipality shall pass a by-law for establishing a system of accessible parking.

Accessible parking permits

(2) The sole manner of identifying vehicles for the purposes of accessible parking shall be an accessible parking permit issued and displayed in accordance with the *Highway Traffic Act* and the regulations made under it.

Designated parking spaces

(3) Every local municipality shall pass a by-law requiring the owners or operators of parking lots or other parking facilities to which the public has access, whether on payment of a fee or otherwise, to provide designated parking spaces in accordance with subsections (4) and (5) for vehicles displaying a Level 1 or Level 2 accessible parking permit and the local municipality shall specify the conditions of use of accessible parking permits and prohibit their improper use.

Parking spaces designated in red and blue

(4) A local municipality shall, in accordance with the regulations, designate parking spaces,

(a) in red, for vehicles displaying a Level 1 accessible parking permit;
and

(b) in blue, for vehicles displaying a Level 2 accessible parking permit.

Size of designated parking spaces

(5) Parking spaces for vehicles displaying a Level 1 or Level 2 accessible parking permit shall meet the size requirements set out in the regulations.

Removal of vehicle

(6) A by-law passed under subsection (3) may provide for the removal and impounding of any vehicle, at its owner's expense, parked or left contrary to the by-law.

Parking infraction disputes

(7) A by-law passed under subsection (3) shall establish a process by which persons with disabilities who hold an accessible parking permit may, by telephone, obtain assistance for or resolve a matter relating to a parking infraction notice.

Regulations

(8) The Lieutenant Governor in Council may make regulations providing for any matters which, in the opinion of the Lieutenant Governor in Council, are necessary or desirable for the purposes of this section, including,

(a) governing the designation of accessible parking spaces;

(b) prescribing size requirements for parking spaces for vehicles displaying a Level 1 or Level 2 accessible parking permit.

Commencement and Short Title

Commencement

5. This Act comes into force on July 1, 2012.

Short title

6. The short title of this Act is the *Accessible Parking Act, 2010*.

EXPLANATORY NOTE

The Bill amends the *City of Toronto Act, 2006*, the *Highway Traffic Act* and the *Municipal Act, 2001*. The *Highway Traffic Act* is amended to provide for the issue of two categories of accessible parking permits: Level 1 accessible parking permits for persons with disabilities who require the assistance of a mobility device and Level 2 accessible parking permits for persons with disabilities who do not require the assistance of a mobility device.

The *City of Toronto Act, 2006* and the *Municipal Act, 2001* are amended to require the City of Toronto and other municipalities to establish a system of accessible parking, to designate accessible parking spaces for both categories of accessible parking permits and to establish a process by which persons with disabilities may, by telephone, obtain assistance for or resolve a matter relating to a parking infraction.