

**Excerpts from Municipal Code Chapter 313, STREETS AND SIDEWALKS, of the former City of Toronto Municipal Code, outlining the regulations for Commercial and Residential Boulevard Parking.**

**§ 313-1. Definitions.**

- A. As used in this chapter, the following terms shall have the meanings indicated:

BOULEVARD — That part of any street between the curb or edge of roadway and the street line, exclusive of the area covered by sidewalk.

COMMISSIONER — The Commissioner of Public Works and the Environment and the City Engineer.

COMMITTEE — The City Services Committee.

DEPARTMENT — The Department of Public Works and the Environment.

STREET — A "highway" as defined in subsection 1(1) of the Municipal Act,<sup>1</sup> but does not include a highway that is a Metropolitan road.

**§ 313-29. Obstruction prohibited.<sup>2</sup>**

Except as otherwise permitted in this chapter, no person shall:

- A. Dig up or cause or permit the digging up of a boulevard.
- B. Drive on or travel over or cause or permit the driving on or travelling over a boulevard.<sup>3</sup>
- C. Place or cause or permit the placing of anything whatsoever to remain on a boulevard.
- D. Parking of vehicles. [**Amended 1996-03-05 by By-law No. 1996-0142**]

No person shall park a vehicle in an area licensed for boulevard parking except a person parking a vehicle in accordance with a licence for boulevard parking under § 313-40, 313-41 or 313-42.

**§ 313-39. General requirement for parking on boulevards.**

- A. Determination of use of property.

- (1) The current lawful use of a property at the time a boulevard parking application is made shall determine whether the application shall be processed under § 313-40, 313-41 or 313-42.
- (2) Reference shall be made to the applicable zoning by-law with respect to a boulevard parking application to ensure the current use is either permitted under the applicable zoning by-law or as a legal non-conforming use.

B. **[Amended 1996-07-05 by By-law No. 1996-0363]** A licence may be issued under § 313-41 when:

- (1) The applicant has complied with this chapter, as indicated by the approval of the Commissioner.
- (2) The applicant has paved any portion of the boulevard upon which parking is proposed to be provided, to the satisfaction and the supervision of the Commissioner.
- (3) Gutter ramps have been provided by the applicant as required for access from the travelled portions of the streets to any portion of the boulevard upon which parking is proposed to be provided, to the satisfaction and under the supervision of the Commissioner.
- (4) The applicant has agreed in writing to indemnify and save harmless the City from any action, claim, damage or loss whatsoever arising from the issuing of the licence or the parking to be provided or anything done or neglected to be done in connection with the parking.
- (5) The applicant has paid any administrative, survey and inspection fee and any annual user charge required under the section.

B.1. **[Added 1996-07-05 by By-law No. 1996-0363]** A licence may be issued under §§ 313-40 and 313-42 when:

- (1) There is compliance with § 313-39B(1), (3), (4) and (5).
- (2) The proposed parking area and the adjacent driveway are paved with semi-permeable material or are designed to minimize surface runoff to the sewer system, all in accordance with the alternative paving treatment specifications set out in § 400-88, Schedule XXXV, Part II, or such other equivalent permeable paving treatment acceptable to the Commissioner of Public Works and the Environment.

C. Issuance of licence; cancellation.

- (1) Any licence issued under § 313-40, 313-41 or 313-42 shall be in writing and shall:
  - (a) Describe any area for which it is issued.
  - (b) State the number or parking spaces or any part of a parking space for which it is issued.
  - (c) Describe the parking spaces or any part of a parking space as to measurements and alignment.
  - (d) Describe any class of vehicles for which it is issued.
  - (e) State the hours within which parking is permitted.
- (2) Any licence issued under § 313-40, 313-41 or 313-42 shall be subject to cancellation at any time without notice.

D. Licences may not be issued for:

- (1) A Metropolitan road or a street that is an extension or connecting link of the King's Highway; or
- (2) Any portion of the street between the curb and sidewalk.

E. Marking and fencing.

- (1) Where a sidewalk has been constructed in front of any of the boulevard with respect to which a licence has been issued under § 313-40 or 313-41, a white line shall be painted, to the satisfaction of the Commissioner ninety-one hundredths (0.91) metre from the back of the sidewalk and parallel to it, and no vehicle parked on any portion of the boulevard under the licence shall extend over the white line. **[Amended 1996-07-05 by By-law No. 1996-0363]**
- (2) The Commissioner may, in his or her sole discretion, require the person to whom a licence has been issued to construct a suitable fence or barrier or install some other type of demarcation instead of the white line required under Subsection E(1).
- (3) Where a sidewalk has been constructed in front of any of the boulevard with respect to which a licence has been issued under § 313-42, a visual barrier having a minimum height of ninety-hundredths (0.90) metre and a maximum

height of one and one-tenth (1.1) metres shall be provided between the commercial boulevard parking and the abutting residential area and be set back ninety-hundredths (0.90) metre from the rear edge of the sidewalk. **[Added 1996-07-05 by By-law No. 1996-0363]**

- (4) In addition to the requirements under Subsection E(3), a barrier in the form of a tree or a bench, planter box or fence having a minimum height of ninety-hundredths (0.90) metre and a maximum height of one and one-tenth (1.1) metres shall be provided along the side of the commercial boulevard parking space opposite to the side abutting the residential area, that will serve to contain the parking in the authorized area and provide adequate sightlines. **[Added 1996-07-05 by By-law No. 1996-0363]**

F. Exceptions.

- (1) No boulevard parking licence shall be issued for parking in front of the main front wall of a building for any property designated as C1, C1A, C1S or CR in the applicable zoning by-law on or after June 1, 1993.
- (2) Despite Subsection B(1), where a boulevard parking licence was granted on or prior to June 1, 1993, for parking in front of the main front wall of a building on a property designated as C1, C1A, C1S or CR in the applicable zoning by-law, the owner or occupant of that property may renew that licence annually under this chapter, if the building in respect of which the licence was granted prior to June 1, 1993, has not been demolished.

**§ 313-39.1. Applications for parking on boulevards in residential areas. [Added 1995-02-27 by By-law No. 1995-0180; amended 1995-05-16 by By-law No. 1995-0367; 1996-07-05 by By-law No. 1996-0363]**

- A. Where an application has been made under § 313-40 or 313-42, the Commissioner shall certify the eligibility of the application with respect to the requirements of the applicable section, and the Commissioner shall require that a poll be conducted under Chapter 90, Polling and Notification Procedures, and the procedure set out in § 400-9D(1), 400-9D(2) and 400-9D(3).
- B. Where more than one (1) poll has been conducted in relation to the same address or location, each application shall be considered on an individual basis.
- C. Issuance or refusal of licence.
  - (1) Where the poll referred to in Subsection A results in a majority of those persons casting ballots being in favour of the application, the Commissioner shall issue a licence for boulevard parking.

- (2) Where the Commissioner determines that the application does not comply with this chapter and the policies of Council or where the poll referred to in Subsection A results in a majority of those persons casting ballots not being in favour of the application, then the Commissioner shall refuse the application.
- (3) Where an application has been refused by the Commissioner of Public Works and the Environment, the applicant may appeal the refusal under § 400-9D(6).

**§ 313-39.2. Issuance of parking licences to other occupants. [Added 1995-02-27 by By-law No. 1995-0180]**

- A. Despite §§ 313-40A, 313-41A(1) and 313-42A(1), any occupant of the property may apply for and be issued a licence under § 313-39B:
  - (1) Where an owner in possession or occupant of the ground floor of property has not been issued a licence under § 313-39B.
  - (2) Where an owner in possession or occupant of the ground floor of property has been issued a licence under § 313-39B and there is still space available to be licenced for parking on the boulevard.
- B. Where an occupant, other than the owner in possession or the occupant of the ground floor of the property, obtains a licence under this section, that occupant may renew that licence annually under this chapter.
- C. Where an occupant, other than the owner in possession or the occupant of the ground floor of the property, advises the Commissioner that the licence is no longer required, the occupant of the ground floor of the property shall be given the right of first refusal on any further application for the use of the boulevard for parking.
- D. Where a licence is no longer required, as set out in Subsection C, the occupant who was issued the licence may apply for a rebate of the annual user charge proportionate to the unexpired term of the licence but is not entitled to reimbursement for any construction costs related to the construction of the space for parking on the boulevard.

**§ 313-40. Parking on boulevards in residential areas.<sup>4</sup>**

- A. **[Amended 1996-07-05 by By-law No. 1996-0363]** Despite any City by-law, where the owner in possession or the occupant of the ground floor of property which is used for residential purposes which abuts on a boulevard has applied in writing to the

Commissioner for a licence to provide parking for vehicles, and the licence has been issued and is in effect, and a suitable number of official signs has been erected and continues to be erected, the owner or occupant may provide parking on so much of the boulevard or any part of it that abuts on the property, exclusive of any portion of the street between the curb and sidewalk and exclusive of any portion of a street beyond the main front wall of any building situated on the property, for any class of vehicles specified in the licence, and any vehicle of any specified class may be parked on any portion of boulevard if it is parked in compliance with the licence and of this section,<sup>5</sup> provided that:

- (1) The licenced portion of the boulevard shall not be more than that required to establish a legal parking space or spaces.
- (2) The licenced portion of the boulevard shall be subject to the same terms and conditions as apply to front yard parking licences and areas pursuant to §§ 400-9D and 400-47, with necessary modifications.
- (2.1) **[Added 1997-10-06 by By-law No. 1997-0579]** Effective December 1, 1997, a boulevard parking licence that satisfies all other criteria in this section may be issued only if:
  - (a) The property is not in an area or on a street authorized for permit parking under § 400-38; or
  - (b) The property is in an area or on a street authorized for permit parking under § 400-38 and:
    - [1] A permit parking space is not currently available;
    - [2] A waiting list has continuously existed for at least six (6) months prior to the date the application is received by the City; and
    - [3] A permit parking space will not be eliminated.
- (2.2) No application for boulevard parking under this section received by the City prior to December 1, 1997, shall be processed under Subsection A(2.1). **[Added 1997-10-06 by By-law No. 1997-0579]**
- (3) The annual fees set out in § 400-47D(4) are paid by the applicant to the City.

B. (Reserved)<sup>6</sup>

- C. This section does not apply to any portion of the street beyond the wall of a residential building facing and furthest from the front lot line as produced to the side lot lines. [Amended 1996-07-05 by By-law No. 1996-0363]

**§ 313-41. Parking on boulevards in industrial or commercial areas.<sup>8</sup>**

- A. Parking authorized.<sup>9</sup>
  - (1) Despite any City by-law, where the owner in possession or the occupant of the ground floor of property which is used for industrial or commercial purposes which abuts on a boulevard has applied in writing to the Commissioner for a licence to provide parking for vehicles, and the licence has been issued and is in effect, and a suitable number of official signs has been erected and continues to be erected, the owner or occupant may provide parking on so much of the boulevard or any part of it that abuts on the property, exclusive of any portion of the street between the curb or sidewalk, for any class of vehicles specified in the licence, and any vehicle of any specified class may be parked on any portion of boulevard if it is parked in compliance with the licence and this section.
  - (2) Despite Subsection A(1), a licence under this section shall not be issued until the applicant has paid a non-refundable administration, survey and inspection fee in the amount specified in Schedule A at the end of this chapter.
- B. Denial of application.
  - (1) Where the Commissioner determines that the application does not comply with this chapter and the policies of Council, the Commissioner shall refuse the application.
  - (2) Where an application has been refused by the Commissioner, the applicant may appeal the refusal in accordance with § 313-77 of this chapter.
  - (3) Despite any City by-law, where an application has been considered and refused by the Commissioner or by Council under this section, a further application for the same address or location shall not be considered within two (2) years from the date of the application.
- C. Where the property abutting the boulevard in respect of which a licence has been issued under this section may be used for commercial or industrial purposes, the person to whom such licence has been issued shall pay in advance an annual charge for the use of any portion of boulevard with respect to which the licence was issued according to the following:

- (1) Area 1: Within the area bounded on the south by the Bay, on the east by the east side of Jarvis Street, on the north by the north side of Dundas Street and on the west by the west side of Simcoe Street, the amount specified in Schedule A at the end of this chapter for each parking space or each square metre of the area with respect to which the licence was issued in any case where the number of parking spaces provided for in the licence cannot conveniently be determined.
- (2) Area 2: Except for Area 1, within the area bounded on the south by the Bay, on the east by the east side of Parliament Street to Bloor Street then easterly to the East City Limit north of Bloor Street to the Canadian Pacific Railway Lines, on the north by the Canadian Pacific Railway Lines and on the west by the west side of Strachan Avenue and Shaw Street, the amount specified in Schedule A at the end of this chapter for each parking space, or each square metre of the area with respect to which the licence was issued in any case where the number of parking spaces provided for in the licence cannot conveniently be determined.
- (3) Area 3: Within any area not in Area 1 or Area 2, the amount specified in Schedule A at the end of this chapter for each parking space or each square metre of the area with respect to which the licence was issued in any case where the number of parking spaces provided in the licence cannot conveniently be determined.

D. This section does not apply to any property which is or may be used for residential purposes.

**§ 313-42. Parking on boulevards in residential areas where property is used for non-residential uses.**

A. Parking authorized; conditions.

- (1) **[Amended 1996-07-05 by By-law No. 1996-0363]** Despite any City by-law, where the owner in possession or the occupant of the ground floor of property which abuts on a boulevard, which property is being used for non-residential purposes and which property is either located in a residential district or flanks a residential district, has applied in writing to the Commissioner for a licence to provide boulevard parking for vehicles, and the licence has been issued and is in effect, and a suitable number of official signs have been erected and continue to be erected, the owner or occupant may provide parking on so much of the boulevard or any part of it that abuts on the property, exclusive of any portion of the street between the curb and sidewalk, for any class of vehicle specified in the licence, and any vehicle of any specified class may be

parked on any portion of boulevard if it is parked in compliance with the licence and of this section, provided that:

- (a) The licenced portion of the boulevard shall not be more than that required to establish a legal parking space or spaces.
  - (b) The licenced portion of the boulevard shall be subject to the same terms and conditions as apply to front yard parking licences and areas pursuant to §§ 400-9D and 400-47, with necessary modifications.
- (2) Despite Subsection A, a licence under this section shall not be issued until the applicant has paid a non-refundable administrative, survey and inspection fee in the amount specified in Schedule A at the end of this chapter.
- B. (Reserved)<sup>10</sup>
- C. (Reserved)<sup>11</sup>
- D. (Reserved)<sup>12</sup>
- E. Where the ground floor of the property abutting the boulevard in respect of which a licence has been issued as provided by this section is used for non-residential purposes, the person to whom such licence has been issued shall pay in advance of the issuance of the licence an annual charge for the use of any portion of boulevard with respect to which the licence was issued according to the following schedule:
- (1) Area 1: Within the area bounded on the south by the Bay, on the east by the east side of Jarvis Street, on the north by the north side of Dundas Street and on the west by the west side of Simcoe Street, the amount specified in Schedule A at the end of this chapter for each parking space or each square metre of the area with respect to which the licence was issued in any case where the number of parking spaces provided for in the licence cannot conveniently be determined.
  - (2) Area 2: Except for Area 1, within the area bounded on the south by the Bay, on the east by the east side of Parliament Street to Bloor Street then easterly to the East City Limit north of Bloor Street to the Canadian Pacific Railway Lines, on the north by the Canadian Pacific Railway Lines and on the west by the west side of Strachan Avenue and Shaw Street, the amount specified in Schedule A at the end of this chapter for each parking space, or each square metre of the area with respect to which the licence was issued in any case where the number of parking spaces provided for in the licence cannot conveniently be determined.

- (3) Area 3: Within any area not in Area 1 or Area 2, the amount specified in Schedule A at the end of this chapter for each parking space or each square metre of the area with respect to which the licence was issued in any case where the number of parking spaces provided in the licence cannot conveniently be determined.
- F. This section does not apply to any property in an area that is in a residential use district under the applicable zoning by-law which is not used as a residential property by reason of a legal non-conforming non-residential use. **[Amended 1995-03-27 by By-law No. 1995-0249]**

**§ 313-74. Enforcement authority. [Amended 1997-09-22 by By-law No. 1997-0504]**

- A. Where any person fails to maintain any object or installation as required by this chapter, including the immediate removal of all graffiti, the Commissioner may perform the maintenance, which shall be done at the person's expense, and the City may recover any expense incurred by it in performing the maintenance by legal action or in like manner as municipal taxes.
- B. Where any authority is conferred on the Commissioner under this chapter, the authority may be exercised by any employee of City Works Services authorized by the Commissioner.

**§ 313-76. Revocation of permission.**

Where an applicant is required to pay a fee, provide proof of insurance or execute an agreement under any of the provisions of this chapter, the Commissioner shall provide the applicant with written notice that any permission granted or permit issued shall be revoked and rescinded unless the applicant pays the required fee or provides the required insurance or agreement within sixty (60) days of the date of the notice.

**§ 313-77. Appeals.**

- A. Where the Commissioner refuses to approve the issuance of a permit or grant permission under §§ 313-16, 313-18, 313-33, 313-34, 313-35, 313-36, 313-37, 313-41, 313-50, 313-57 and 313-67, an applicant may appeal to the Committee in writing setting out the reasons why the applicant believes the application complies with this chapter and request to be heard by the Committee. **[Amended 1996-07-05 by By-law No. 1996-0363]**
- B. The Commissioner shall forward a report on the application to the Committee, setting out the grounds for refusal.
- C. After providing the applicant with an opportunity to be heard, the Committee shall recommend to Council whether to grant or refuse the application.

- D. Despite Subsection C, the Committee may direct the Commissioner to grant permission or to issue a permit or licence under §§ 313-18, 313-34, 313-35, 313-40, 313-41, 313-57 and 313-67, subject to compliance with the other provisions of the section.

### § 313-78. Property information fee.<sup>13</sup>

Effective January 1, 1995, where a request is received for information on the status of a property with respect to development agreement compliance, local improvements, encroachments, street allowance licences or permits, historical environmental conditions or other matters under the jurisdiction of the Commissioner, a non-refundable property information fee as set out in Schedule A at the end of this chapter shall be charged, and payment of this fee shall be required prior to the provision of the information requested.<sup>14</sup>

### § 313-81. Offences.

Any person who contravenes any provision of this chapter is guilty of an offence.<sup>15</sup>

### § 313-82. Transition. [Amended 1995-03-27 by By-law No. 1995-0249]

An unexpired agreement, permit, licence or lease issued under or permission granted under By-law Nos. 12519, 279-73, 180-93 and 23044 with respect to use of a street, Metropolitan road or any part of a street or Metropolitan road that has not been revoked, is deemed to be the agreement, permit, licence, lease or permission required for the same use of the street, Metropolitan road or the part of the street or Metropolitan road under this chapter.

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<sup>1</sup>Editor's Note: See R.S.O. 1990, c. M.45.

<sup>2</sup>Editor's Note: This section was passed under the authority of paragraph 3 of section 308 of the Municipal Act, R.S.O. 1990, c. M.45.

<sup>3</sup>Editor's Note: See also Ch. 400, Traffic and Parking.

<sup>4</sup>Editor's Note: This section was passed under the authority of paragraph 3 of section 308 and section 310 of the Municipal Act, R.S.O. 1990, c. M.45., and the City of Toronto Act, 1993 (No. 3).

<sup>5</sup>Editor's Note: See also Ch. 400, Traffic and Parking.

<sup>6</sup>Editor's Note: Former Subsection B, Denial of application, was repealed 1995-02-27 by By-law No. 1995-0180.

<sup>7</sup>Editor's Note: This by-law also repealed former Subsection D, which immediately followed this subsection and contained an exception for certain portions of streets.

<sup>8</sup>Editor's Note: This section was passed under the authority of paragraph 3 of section 308 and section 310 of the Municipal Act, R.S.O. 1990, c. M.45., and the City of Toronto Act, 1993 (No. 3).

<sup>9</sup>Editor's Note: See also Ch. 400, Traffic and Parking.

<sup>10</sup>Editor's Note: Former Subsection B, regarding the duties of the Commissioner with respect to applications, was repealed 1995-02-27 by By-law No. 1995-0180. See now § 313-39.1.

<sup>11</sup>Editor's Note: Former Subsection C, regarding the conduct of more than one (1) poll in relation to the same address or location, was repealed 1995-02-27 by By-law No. 1995-0180. See now § 313-39.1.

<sup>12</sup>Editor's Note: Former Subsection D, Issuance or refusal of licence, was repealed 1995-02-27 by By-law No. 1995-0180. See now § 313-39.1.

<sup>13</sup>Editor's Note: This section was passed under the authority of section 1 of The City of Toronto Act 1980, S.O. 1980, c. 126.

<sup>14</sup>Editor's Note: See also Ch. 178, Fees.

<sup>15</sup>Editor's Note: This section was passed under the authority of sections 320 and 331 of the Municipal Act, R.S.O. 1990, c. M.45, as amended, and, under section 61 of the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended, a person convicted of an offence under this section is liable to a fine of not more than five thousand dollars (\$5,000.).