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YORK REGION TRANSIT SET FINE SCHEDULE FOR TRANSIT BY-LAW R-1415-2005-018

The Transportation and Works Committee recommends the adoption of the recommendation contained in the following report dated June 4, 2009, from the Commissioner of Transportation Services and the Regional Solicitor.

1. RECOMMENDATION

It is recommended that:

1. Regional Council approve the recommended set fines itemized in bold in *Attachment 1* and direct staff to make application to the Regional Senior Justice to approve required additions to the set fine schedule for Transit By-law R-1415-2005-018, as amended.

2. PURPOSE

This report recommends the approval of the set fine schedule for Transit By-law R-1415-2005-018, as amended.

3. BACKGROUND

In September 2008, Regional Council authorized amendments to Transit By-law R-1415-2005-018 and directed the Regional Solicitor to prepare an amending by-law (Clause 1, Report No. 6 of the Transit Committee). Those amendments include the creation of new offence provisions, as well as housekeeping amendments to add clarity and provide for more effective enforcement. The new offence provisions include provisions specific to parking enforcement, which will apply to commuter parking at transit stations, such as the new South Keswick Commuter Parking Lot.

The amending by-law will be presented to Regional Council for enactment on June 25, 2009. Following enactment, the set fines applicable to the new provisions will require approval by the Regional Senior Justice.

The existing schedule of set fines for Transit By-law R-1415-2005-018 was approved by the Regional Senior Justice on September 21, 2005. Revisions to the Set Fine Schedule are now required as a result of the amendments to Transit By-law R-1415-2005-018.

4. ANALYSIS AND OPTIONS

The Set Fine Schedule for Transit By-law R-1415-2005-018 has been revised pursuant to the amendments to the by-law authorized by Regional Council and incorporated in an amending by-law to be presented on June 25, 2009. The recommended fines are listed in bold on *Attachment 1*. The existing fines are shown for comparative purposes but no amendments to these amounts are recommended at this time. The recommended fines are consistent with fines in place for other transit systems in the Greater Toronto Area.

5. FINANCIAL IMPLICATIONS

There are no significant financial implications for the Region arising from the revised set fine schedule. The new offence provisions and associated fines will enable more effective enforcement and may result in an increase in fine revenues.

About \$150,000 - \$200,000 per year in collected fine revenue is transferred from the Provincial Courts System. Amounts received are used to offset program costs for the Enforcement Unit.

6. LOCAL MUNICIPAL IMPACT

Local municipalities will continue to benefit from a transit service that assesses and improves the operation of its transit system.

7. CONCLUSION

Staff recommends the approval of the revised Set Fine Schedule listed in bold in *Attachment 1* to this report.

For more information on this report, contact Paul Tobin, Manager, Transit Finance and Administration, (Ext. 5691) or Angelo Apfelbaum, Enforcement Supervisor (Ext. 5352), in the Transit Branch of the Transportation Services Department.

The Senior Management Group has reviewed this report.

(The attachment referred to in this clause is attached to this report.)

Schedule of Offences
Part I - *Provincial Offences Act*

Item	Column 1 Short Form Wording	Column 2 Provision Creating Offence	Column 3 Set Fine
1	Travel without depositing fare	Section 2.1(a)(i)	\$125
2	Travel without proof of payment	Section 2.1(a)(ii)	\$125
3	Fail to show proof of payment	Section 2.2	\$125
4	Fail to comply with conditions of use	Section 2.4	\$125
5	Sell proof-of-payment without permission	Section 2.5	\$125
6	Attempt to sell proof of payment without permission	Section 2.5	\$125
7	Unauthorized use of proof of payment	Section 2.6	\$125
8	Use altered proof of payment	Section 2.7(a)	\$125
9	Attempt to use altered proof of payment	Section 2.7(a)	\$125
10	Alter proof of payment	Section 2.7(b)	\$125
11	Possess altered proof of payment	Section 2.7(a)	\$125
12	Use counterfeit proof of payment	Section 2.7(a)	\$125
13	Attempt to use counterfeit proof of payment	Section 2.7(a)	\$125
14	Counterfeit proof of payment	Section 2.7(b)	\$125
15	Possess counterfeit proof of payment	Section 2.7(a)	\$125
16	Fail to have proof of payment for each zone	Section 2.8	\$125

Item	Column 1 Short Form Wording	Column 2 Provision Creating Offence	Column 3 Set Fine
17	Obtain more than one transfer per fare	Section 2.9(a)	\$125
18	Travel with transfer not properly issued	Section 2.9(b)	\$125
19	Travel with invalid transfer	Section 2.10	\$125
20	Fail to follow instructions	Section 3.2	\$125
21	Carry a firearm	Section 3.3(a)	\$125
22	Carry dangerous materials	Section 3.3(b)	\$125
23	Carry item that may cause harm	Section 3.3(c)	\$125
24	Occupy position likely to interfere with operator	Section 3.4	\$125
25	Interfere with operation of part of a transit vehicle	Section 3.5	\$125
26	Operate part of transit vehicle without authorization	Section 3.6	\$125
27	Operate equipment without authorization	Section 3.6	\$125
28	Operate part of transit system without authorization	Section 3.6	\$125
29	Part of body or object outside transit vehicle	Section 3.7	\$125
30	Hold on to outside of transit vehicle	Section 3.8	\$125
31	Board or leave transit vehicle while in motion	Section 3.9	\$125
32	Attempt to board or leave transit vehicle while in motion	Section 3.9	\$125
33	Board or leave transit vehicle contrary to instructions	Section 3.9	\$125
34	Attempt to board or leave transit vehicle contrary to instructions	Section 3.9	\$125

Item	Column 1 Short Form Wording	Column 2 Provision Creating Offence	Column 3 Set Fine
35	Fail to use identified doors	Section 3.10	\$125
36	Accompany prohibited animal on transit vehicle/in transit facility	Section 3.11	\$75
37	Accompany animal likely to cause harm on transit vehicle/in transit facility	Section 3.12	\$75
38	Sell or solicit on transit vehicle or facility	Section 3.13	\$125
39	Attempt to sell or solicit on transit vehicle or facility	Section 3.13	\$125
40	Distribute materials on transit vehicle or facility	Section 3.13	\$125
41	Post materials on transit vehicle or facility	Section 3.13	\$125
42	Littering on transit vehicle or facility	Section 3.15	\$125
43	Unauthorized use of audio device	Section 3.16	\$125
44	Loitering on transit vehicle or facility	Section 3.17	\$125
45	Jeopardize safety	Section 3.18	\$125
46	Disturb the peace on transit vehicle or facility	Section 3.19	\$125
47	Urinate, defecate or expectorate on vehicle or facility	Section 3.20	\$125
48	Smoking or chew tobacco on transit vehicle or facility	Section 3.21	\$125
49	Consume alcohol on transit vehicle or facility	Section 3.22(a)	\$125
50	Possess open alcohol on transit vehicle or facility	Section 3.22(b)	\$125
51	Possess alcohol unlawfully	Section 3.22(b)	\$125
52	Bring large, bulky, or sharp object when prohibited	Section 3.23	\$125

The Regional Municipality of York By-law No. R-1415-2005-028
A by-law to regulate the use of public transit vehicles and facilities in
The Regional Municipality of York

COUNCIL ATTACHMENT 1
June 2009

Item	Column 1 Short Form Wording	Column 2 Provision Creating Offence	Column 3 Set Fine
53	Transport bicycle when prohibited	Section 3.24	\$125
54	Wear roller skates or inline skates	Section 3.26	\$125
54	Operate skateboard	Section 3.26	\$125
55	Operate camera for commercial purposes without permission	Section 3.27	\$125
56	Remove lost property from transit vehicle or facility	Section 3.28	\$125
57	Fail to fold or collapse stroller or carriage on request	Section 3.29	\$125
58	Inappropriate deployment of accessibility aids	Section 3.30	\$125
59	Feet on seat	Section 3.31	\$125
60	Improper entry	Section 3.32	\$125
61	Improper exit	Section 3.32	\$125
62	Fail to obey sign	Section 3.33	\$125
63	Obstruct property	Section 3.34	No set fine
64	Interfere with property	Section 3.34	No set fine
65	Cause damage to property	Section 3.34	No set fine
66	Fail to surrender disabled parking permit	Section 4.10	\$300
67	Refusal to supply identification	Section 6.2	\$125
68	Provide false identification	Section 6.3	\$125

Schedule of Offences
Part II - Provincial Offences Act

Item	Column 1 Short Form Wording	Column 2 Provision Creating Offence	Column 3 Set Fine
1	Park vehicle not incidental to use of transit system	Section 4.2	\$50
2	Operate vehicle not incidental to use of transit system	Section 4.2	\$50
3	Park over 24 hours	Section 4.3	\$25
4	Park vehicle – excessive weight	Section 4.5	\$25
5	Park vehicle – not in designated area	Section 4.6	\$25
6	Stand vehicle outside of designated area	Section 4.7	\$25
7	Stop vehicle outside of designated area	Section 4.7	\$25
8	Park so as to interfere with traffic	Section 4.8	\$25
9	Park in disabled area without valid permit	Section 4.9	\$300
10	Stand in disabled area without valid permit	Section 4.9	\$300
11	Stop in disabled area without valid permit	Section 4.9	\$300
12	Park vehicle – designated access route	Section 4.12	\$50
13	Stand vehicle – designated access route	Section 4.12	\$50
14	Stop vehicle – designated access route	Section 4.12	\$50