

Cancelling Parking Penalty Notices

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| Sub-section: | Regulatory services |
| Author(s): | Municipal Enforcement Services [] |
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Purpose statement

This procedure sets out when a penalty notice may be cancelled by staff from Municipal Enforcement Services or by a Private Parking Enforcement Officer.

Scope

This procedure applies to penalty notices issued for violations contrary to the town's parking by-laws.

Procedure

To initiate a request to cancel a penalty notice, the request must be submitted to Service Oakville in accordance with the criteria set out below within 15 calendar days of the date of the violation. Service Oakville is responsible for forwarding the request to Municipal Enforcement Services.

Penalty notices issued for parking violations may be cancelled in the following circumstances:

1. An error is made on the penalty notice prior to serving it on the vehicle or to the owner/operator of the vehicle. It is at the Officer's discretion to reissue a corrected penalty notice.

2. The penalty notice has an incorrect province/licence plate number as shown in the investigation photographs taken of the non-compliant vehicle.
3. A penalty notice was issued for a violation where the vehicle owner/operator has a valid town issued permit or payment for the same vehicle identified on the penalty notice and the vehicle owner/operator provides the correct permit or payment information and has parked the vehicle in accordance with the terms and conditions of that permit or payment.

A request to cancel a parking penalty notice will be denied if the request is for any reason other than 1-3 above and may include reasons such as identified below:

- (a) the vehicle or licence plate was stolen or lost at the time of the violation; or
- (b) penalty notice issued for violation of accessible parking regulations; or
- (c) penalty notice issued for a “park on private property” violation; or
- (d) request involving emergency services personnel or first responders.

When a request to cancel a penalty notice is denied as noted in (a) to (d) above, the person will be directed to either pay the penalty or schedule a review of the penalty notice by a Screening Officer.

References and related documents

Administrative Penalties Procedure
Screening Officer and Hearing Officer By-law 2015-091, as amended
Parking Administrative Penalties By-law 2015-071, as amended

Definitions

“Municipal Enforcement Services” means the Town of Oakville’s Municipal Enforcement Services Department.

“Officer” means a Mobile Compliance Officer or a Municipal Standards Investigator.

“Parking Penalty Notice” means a notice issued pursuant to the Parking Administrative Penalties By-law.

“Payment” means a valid parking payment receipt from a pay-by-phone app or a payment machine.

“Permit” means a valid parking permit issued by Municipal Enforcement Services, including but not limited to a temporary on-street parking permit and a courtesy on-street parking permit, or another approved town permit.

“Person” means a person requesting the cancellation of their parking penalty notice.

“Private Parking Enforcement Officer” means an employee of a private parking enforcement company who has authority to enforce parking on private property.

“Screening Officer” means as defined in Screening Officer and Hearing Officer By-law 2015-091, as amended.

Responsibilities

The Director of Municipal Enforcement Services or designate shall be responsible for the administration of this procedure.]