

# PALADINO LAW

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December 13, 2024

BY EMAIL ONLY TO      townclerk@oakville.ca

The Corporation of the Town of Oakville  
1225 Trafalgar Road  
Oakville, ON L6H 0H3

**Attention:      Your Worship Mayor Burton and Honourable Members of Town Council**

Dear Sirs / Madams:

**RE:      RUBY CREST HOMES INC.  
         131-139 Kerr Street, Oakville  
         Notice of Objection to proposed By-law No. 2024-187 (Item 10.3 on Agenda)**

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Please be advised that we act for Ruby Crest Homes Inc. Ruby Crest Homes Inc. is the registered owner of 131-139 Kerr Street, Oakville.

Please take this letter as our client's Notice of Objection and opposition to the Town's proposed By-law No. 2024-187 regarding towing without the vehicle owner's consent. This is item number 10.3 on the agenda for the December 16, 2024 Town Council meeting. We also request that we be listed as a party to be heard at this Town Council meeting.

On behalf of our client, we also request that the hearing of proposed By-law No. 2024-187 be postponed to the New Year. It is my client's understanding that many more property owners are not presently aware of the proposed By-law and will vehemently oppose it.

Our client's above noted properties are tenanted and the tenant's pay for the parking spaces on our client's property. Maro's Bistro, Narenj Oakville, My Back Shed and other various businesses are tenants at 131-139 Kerr Street, Oakville. All tenants lease these properties with special consideration of the parking lot area for their customers and staff. To allow the "general public" to park on the property without being patrons of the restaurants is not acceptable and in fact reprehensible. There is no logical reason to greatly impose such an onerous task on all property owners, to seek consent from owners of unlawfully parked vehicles, when their priority is and always will remain their tenant's businesses and loyal customers.

This will have a dramatic impact and be extremely detrimental to my client's tenants' businesses. Parking is already very limited at this particular location and allowing illegal parking for even a few minutes, let alone an hour, is devastating. It will also be impossible to monitor the comings and goings of cars that park in the lots.

The ramifications of this By-law would substantially interfere with our tenants' businesses and use of the property that they pay for. By preventing or prohibiting the enforcement of unlawful parking on private property, the By-Law is essentially allowing general parking, for free, to unauthorized vehicles. This is an incredibly ineffective use of time and resources for all business and land owners, the Town of Oakville and the Halton police, which cannot be reasonably authorized nor allowed. It will negatively impact business owners that pay rent and lawfully reserve the right to ensure the parking is available to and for their staff, patrons and customers.

The *Municipal Act* (s. 100) provides for the protection of land owners to prohibit the parking or leaving of motor vehicles on private property, without the consent of the owner of the land. This is a legal right of landowners, to control their private property. To request the consent to tow a vehicle from the vehicle owner, who has unlawfully and without consent parked on private property, is illogical. It is analogous to stating a person committing a crime or unlawful act must "consent" before the police can charge the person.

Predatory or fraudulent towing practices can be monitored and/or controlled and prevented through alternative measures that will not so onerously impact business owners, patrons and staff who are attempting to lawfully park. To override a land owner's rights relating to trespass by limiting the enforcement of towing unlawfully parked vehicles on private property is disproportionate to "consumer protection" this By-law aims to address. It is overreaching, deleterious and unfair to all land owners and business owners that are tenants paying rent, who will be impacted.

My client pays for the maintenance, repair, paving and snow removal, salting and many expenses for their properties and parking lot areas for their tenants and respective patrons. There is also an issue of insurance coverage. A trespasser that parks illegally and slips and falls can make a claim if this By-law passes and essentially permits unlawful parking by greatly limiting the rights of land owners. It will also require the time and resources of Halton police, which can be much better served protecting and serving the community in meaningful ways.

This By-law essentially infringes on the rights of property owners and their tenants, as private business owners, as it would turn private parking areas into public parking, with extremely limited and onerous enforcement rights for land owners. It will encourage people to park unlawfully as there will now be very limited consequences.

We therefore strongly urge Your Worship Mayor Burton and Honourable Members of Town Council to reject and deny passage of the proposed By-law No. 2024-187. We look forward to making further submissions at the Town Council Meeting and thank you for your consideration and support.

Yours very truly,



**JOHN PALADINO**

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