

SCHEDULE 11
to City of Guelph By-law Number (2009)-18855
[AMENDED BY (2012)-19396; (2012)-19515]

PRIVATE PARKING AGENT

The provisions of this Schedule shall apply in respect of Private Parking Agents.

INTERPRETATION

1. In addition to the terms defined in Section 1 of this By-law, the following terms shall have the corresponding meanings for the purposes of this Schedule:
 - (a) "Private Parking Agent – means any individual who issues any notice or any correspondence to a Vehicle, driver, or registered owner of a Vehicle regarding the parking of the Vehicle on private property, that indicates that payment should or must be made in respect of a parking infraction to either the City of Guelph or to any other person(s) or organization;
 - (b) "Parking Infraction Notice" – means a parking infraction notice as prescribed in the Provincial Offences Act, R.S.O. 1990, c. P. 33, and any regulations thereto, as may be amended from time to time or any successor thereof;
 - (c) "Private Property" – means any property which is owned by a private Person and not a public body;
 - (d) "Provincial Offences Act" – means the Provincial Offences Act, R.S.O. 1990, c. P. 33, and any regulations thereto, as may be amended from time to time or any successor thereof;
 - (e) "Vehicle" – means a vehicle as defined in the Highway Traffic Act, R.S.O. 1990, c. H.8, as amended from time to time, or any successor thereof.

LICENCE RESTRICTIONS AND EXEMPTIONS

2. (a) An application for a Private Parking Agent Licence under this By-law may not be made by a partnership or corporation, except as provided for in this schedule.
- (b) Notwithstanding any other provision of this By-law, the following persons shall not require a Private Parking Agent Licence:
 - (i) City of Guelph By-law Enforcement Officers;
 - (ii) Police Officers of the Guelph Police Service;
 - (iii) University of Guelph officials enforcing the University's parking regulations on lands owned by the University of Guelph;
 - (iv) the Fire Chief of the City of Guelph Fire Department or a Fire Prevention Officer of the City of Guelph Fire Department; and,
 - (v) any person demanding or obtaining parking fees from customers for the consensual purchase of a permit or the like for parking on Private Property, where the parking rates are posted in clear view of all drivers upon entering the Private Property.

- (c) A Business Licence issued for a Private Parking Agent shall apply only to the property or properties identified in the application and set out in the Licence.

ADDITIONAL BUSINESS LICENCE APPLICATION REQUIREMENTS
[Amended By By-Law (2012)-19515]

- 3. (a) If a corporation or partnership employing a Private Parking Agent applies on behalf of an such Private Parking Agent, then in addition to all other requirements of this By-law:
 - (i) the individual Private Parking Agent must sign the application for Business Licence;
 - (ii) the insurance required under Section 16 of this By-law must cover the activities of the individual for which the Business Licence is sought; and
 - (iii) the corporation or partnership must provide all documents required as part of the application(s).
- (b) If approved the Business Licence will be issued to the individual Private Parking Agent.
- 4. In addition to all other requirements of this By-law, every Private Parking Agent seeking to obtain or holding a valid Business Licence must:
 - (a) write a written examination for training as a Private Parking Agent, as determined by the City, and submit to the Issuer of Licences with the application for Business Licence, proof that such examination has been written and passed; and
 - (b) Have written authorization from the property owner for each property in which the Private Parking Agent will issue Parking Infraction Notices unless a signed agreement approved by the City of Guelph dated prior to December 17, 2012 exists.
 - (c) Ensure that the private property is signed to indicate the parking regulations to the satisfaction of the City of Guelph prior to the issuance of Parking Infraction Notices.
 - (d) Direct all requests for the towing of a vehicle parked illegally on private property to the City of Guelph Bylaw Compliance and Security Department for their consideration.
 - (e) Ensure that parking enforcement conducted by the Private Parking Agent of the said property is only conducted under the provisions of City of Guelph By-laws regulating parking.
 - 4(f). Provide to the City and any other inquiring parties a contact person's name and telephone number to whom complaints regarding any Parking Infraction Notice issued by the Private Parking Agent may be forwarded.
 - 4(g). Ensure that the City is not responsible in any way for injury to or loss suffered by any person or for any loss of, or damage to, any property belonging to the Owner, Agent or any person using the property, and the Owner and Agent waive any claim for such injury, loss or damage against the City.

- 4(h). Indemnify and save the City harmless from and against, any and all actions and claims including, without limitation, all claims for personal injury, death, property damage or nuisance arising from the enforcement of the City of Guelph parking by-laws on the property, or any act, deed or omission of the Agent or the Owner, or any assignee, agent, contractor, servant, employee, invitee, member, guest or licensee of the Agent or Owner, and against and from all costs, reasonable counsel fees, expenses and liabilities incurred in or about any such claim or any action or proceeding brought thereon.

CONDITIONS

5. No Private Parking Agent Licensee shall:
- (a) enforce parking regulations on Private Property except in accordance with City of Guelph By-law Numbers (1997)-15402, (2003)-17082 and (1984)-11440 respectively, as amended from time to time, or any successors thereof;
 - (b) enforce parking regulations on any property except the Private Property(ies) for which he or she is licensed by the City under this By-law and for which he or she is duly appointed by City by-law at the time;
 - (c) issue any notice or correspondence to a Vehicle, driver, or registered Owner of a Vehicle regarding the parking of the Vehicle on Private Property, that indicates that payment should or must be made in respect of a parking infraction to either the City of Guelph or to any other person(s) or organization, except a Parking Infraction Notice as approved by the City and issued in accordance with the Provincial Offences Act;
 - (d) alter any Parking Infraction Notice at any time, except as may be specifically authorized and directed by the City; or
 - (e) represent himself or herself at any time as an employee of the City of Guelph or a City of Guelph By-law Enforcement Officer.
6. (a) Every Private Parking Agent Licensee shall inform the Issuer of Licences within fifteen (15) days of terminating their employment with any employer responsible for enforcement of parking regulations on Private Property.
- (b) Upon termination of employment as in 6(a) the Private Parking Agent Licence is deemed terminated and no longer valid.