

# Town 'unreasonable' in parking ticket incident, says homeowner

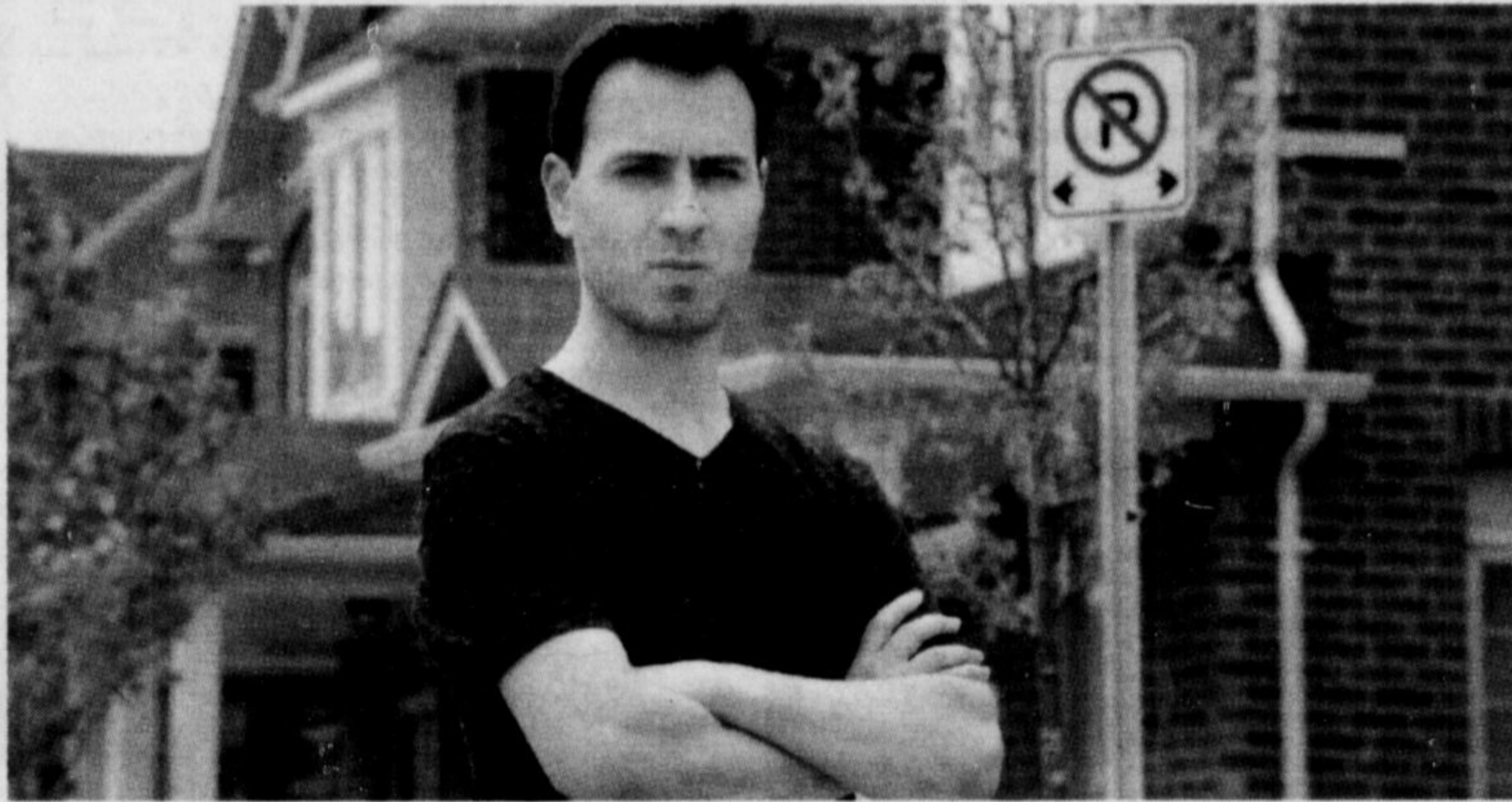
By Rachael Williams  
CANADIAN CHAMPION STAFF

A Milton man is accusing Town staff of being "punitive and completely unreasonable" for handing out parking tickets to an entire street, after residents were told they couldn't use their driveways.

Lou Mustillo, 37, was cutting his grass on Hincks Drive when he noticed a municipal bylaw officer ticketing cars for being in a "no parking anytime" zone. Mustillo said he wouldn't of thought anything of it, except in this case residents on the street were unable to use their driveways because the homebuilder, Beaver Hall Homes, was adding a second layer of asphalt.

"This infuriated me. We have no choice but to park our vehicles on the street and their (Town of Milton) response was to ticket us? That doesn't sound right to me," he said.

He contacted his local councillor, Colin Best, with the hope of getting these tickets rescinded, but said all he received back was an email, forwarded by Best from Town staff, explaining the parking bylaws in his area. Best said he advised Mustillo to park on the opposite side of the street, where parking was allowed, as he saw spaces available when he drove by the area. Mustillo said he contacted



Lou Mustillo is upset with the Town for handing out parking tickets while Hincks Drive driveways were being paved by the homebuilder.

Graham Paine / Metroland West Media Group

the Mayor's office, but did not hear back. "It's frustrating when you have a concern and want to talk to someone and they don't want to hear what you have to say," he said. Paul Cripps, the Town's Director of Engineering Services, said residents received a notice dated July 10 from the developer, which outlined they could park on the street overnight, but that they shouldn't park in the prohibited

areas, as they would be subject to enforcement — in this case, a \$20 ticket. With the street being too small to accommodate all of the resident vehicles, Mustillo said the Town should have offered a 48-hour exemption of the parking bylaws. Stressed Mustillo, "the whole thing is completely unreasonable. It's punitive. And quite frankly it borders on an abuse of power."

Cripps said it comes down to safety. Parking is not permitted on both sides of the road for emergency access reasons. He added, the five-hour parking bylaw, which is enforced on all town streets, and the no parking from 2 to 6 a.m. rule are not being exercised on Hincks Drive. John Inglis, a lawyer for O'Connor Macleod Hanna LLP with an expertise in municipal cases, said municipalities are given by the courts a wide range of enforcement. "A bylaw is made for general situations, not specifics," he said, adding that in most cases, a bylaw violation will come down to sentencing. Some judges will have discretion depending on the circumstances of the case. Mustillo said discretion should have occurred at the municipal level before the tickets were issued, as it put residents in a Catch-22 situation — unable to use their driveways or their street yet risking a parking ticket. His goal is to spark a conversation in hopes it will convince Town staffers that when something like this happens, to "use care and diligence in exercising their duties." "All I'm asking for is some kind of discussion here as opposed to just repeating to me what the rules are," said Mustillo, who didn't even get ticketed, but was aggravated with the situation. In the simplest of terms, Inglis said, "there's lots of things in municipal law that aren't fair."

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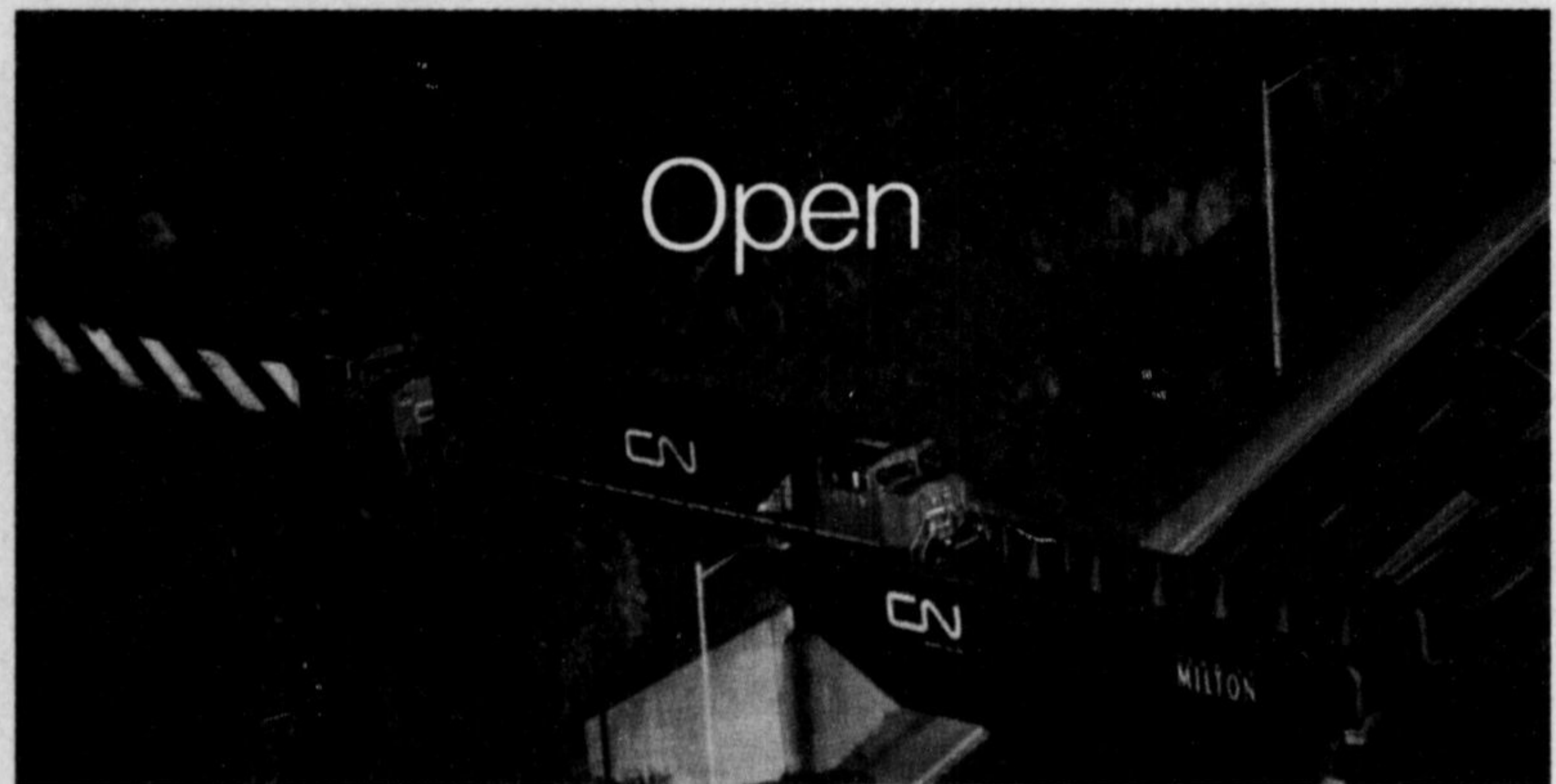
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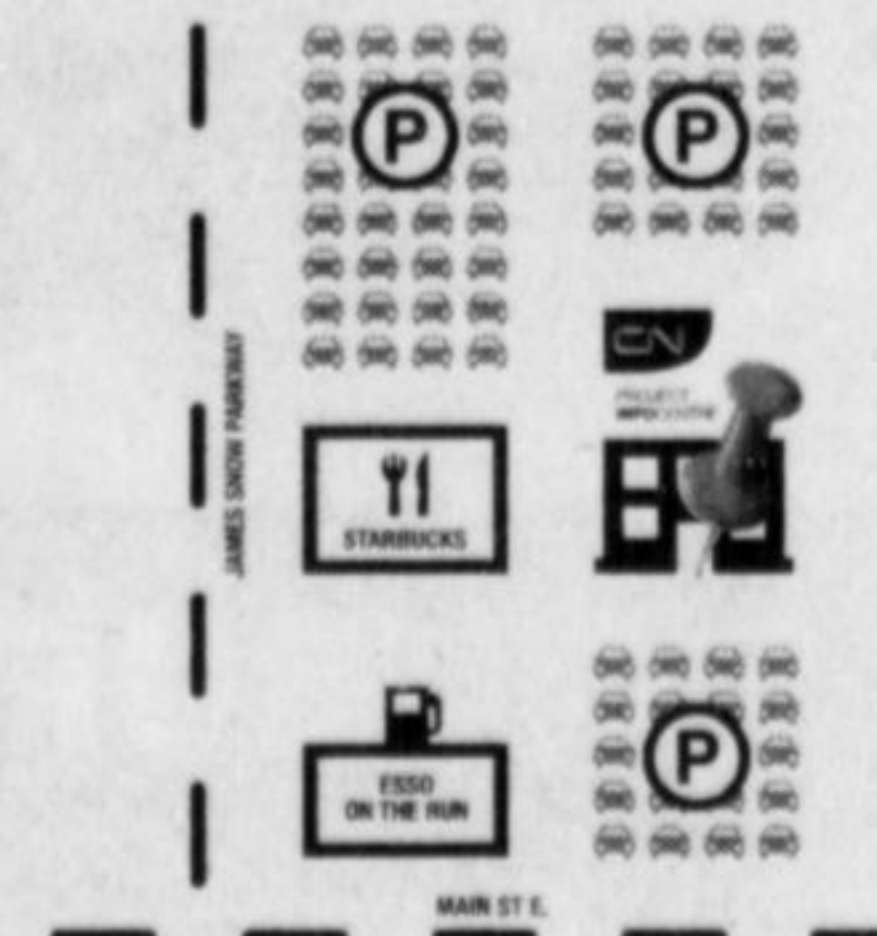
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