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Mayor urges flexibility in seniors park spat

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It was a beautiful day in Humber Bay Park. The seniors group had just finished an hour-long walk along the water, a regular event organized to warm them up before a twice-weekly fitness class at a nearby community hall.

They didn't get far before the bylaw officer's truck appeared.

"We were just leaving the park to go back to the hall and (the city worker) parked his car right in our path," said Margaret Guthrie, 71, describing the Sept. 21 encounter. "He totally obstructed our pathway."

According to Guthrie he also took photographs of the group and followed them.

The city maintains that taking photos and information is normal if a bylaw violation is suspected.

The problem here? There is a fee for classes held in the park.

Guthrie, with partner Don Foster, takes a fitness class Mondays and Wednesdays at the Polish Alliance Hall on Lake Shore Blvd. W. If the weather is good, some of the group warms up in the park.

Under Municipal Code Chapter 608, Parks, anyone who holds events for profit such as a yoga class or boot camp in a park must pay the city \$28.65 an hour (plus GST). Violating the bylaw means a ticket and potentially a \$250 fine.

In a statement, Mayor David Miller said parks staff will review the matter and that this case sounds like one where "some flexibility could have been shown."

Organizer Anne Wheatley said she uses the park only occasionally, and the group walks through. Wheatley said the same worker approached her in a different park last year, causing her to relocate.

"Parks are put there for the public and they are denying them the use of it," she said.

Advocacy groups for seniors agree.

Last night Susan Eng, vice-president for advocacy with CARP, wrote to Mayor David Miller, asking the city to "take whatever steps are necessary to ensure that all Torontonians, but especially older residents, are welcome to walk in parks without a licence."

Guthrie said, the worker told Wheatley she needed a permit, then asked for her name and phone number.

When no information was offered, the man pulled out a camera.

"He was snapping pictures left right and centre, and people started getting nervous," Guthrie said.

They left, and the man followed in his truck. He entered the hall and tried again to get Wheatley's information, then according to Guthrie took photos of people's licence plates.

Andy Koropeski, director of parks, said area residents have complained about classes being held in the park, which is why bylaw officers were in the area. "People are thinking there are fees charged to seniors walking in the park. The issue is dealing with those who rely on commercial



Margaret Guthrie and Don Foster say a city bylaw officer told their seniors' fitness group they needed a permit to walk through Humber Bay Park West before class.

RICHARD LAUTENS/TORONTO STAR

enterprises that use the public space," he said.

He said the issue was being investigated, and Wheatley has not been issued a ticket.

Guthrie said they have since emailed "everyone and their uncle," including the mayor and Councillor Mark Grimes (Ward 6 Etobicoke-Lakeshore). They got an email from Grimes' office that suggested Wheatley might be charged, said Guthrie.

"We are not even in there an hour," said Guthrie. "I think it is just a money grab."

Councillor Paula Fletcher, who chairs Toronto's parks committee, also called for a review of the city's rules about who needs permits for park use.

"We want seniors to be walking in our parks, we want everybody to be walking in our parks," Fletcher said in an interview.

"There's a difference between those who use parks as the focus of their commercial activity – like dog walkers who take their pooches to the park, or a hot dog seller who sets up a stand in the park – as opposed to a running or jogging group that uses a park as part of its route.

"Some people do use parks in a major way, and should be having a permit," she said. "They're making a lot of money while they're in the park. Most Torontonians would say: 'You should pay your way.'

But bylaws shouldn't be enforced in such a way that they make people feel unwelcome, she said.

"I think the bylaw on the books needs to catch up with what our intention is as far as bringing people into parks, and how they're used and at what point you become a commercial user," she said.