



Office of the Commissioner
Transportation Services Department

MEMORANDUM

To: Members of Committee of the Whole

From: Paul Jankowski
Commissioner of Transportation Services

Date: May 30, 2019

Re: Change in Previously Council-Endorsed Powers to York Region Transit
Special Constables

This memorandum advises Council that recent provincial amendments have lessened the powers that were originally approved by Council for York Region Transit (YRT) Special Constables and provides an update on the actions of York Regional Police Services in this regard.

On [September 20, 2018](#), Council adopted a report, as amended, further to Committee of the Whole, requesting additional powers for York Region Transit Special Constables from the York Regional Police Services Board

The September 20, 2018, report included an attached memorandum, dated [September 13, 2018](#), to amend the report and include additional powers to enforce limited provisions under the *Cannabis Control Act, 2017*.

The Region's Transit Bylaw prohibits cannabis use on transit facilities. Specific powers set out in the *Cannabis Control Act, 2017* would further provide Special Constables with additional tools to address cannabis use on transit property, without requiring police intervention.

The powers referenced in the report include the following statutes and provisions:

- *Mental Health Act* s. 17
- *Liquor Licence Act*, s. 31(5), 32(5), 47(1), 47(1.1)
- *Trespass to Property Act*, s. 9
- *Cannabis Control Act, 2017* sections 10, 11 and 19

Subsequently, it was determined that powers under *the Mental Health Act* were not required

Following the September 20, 2018 Council meeting, Regional staff engaged in further discussions with York Regional Police regarding the appropriate handling of individuals experiencing mental health emergencies. It was determined that seamless transfer of a person under a mental health apprehension would remain with York Regional Police as they are better equipped to be solely responsible for addressing those in need. Accordingly, granting special constables additional powers under the *Mental Health Act* would not be required.

Amendments to provincial legislation have now eliminated the need for special constables to be granted additional powers under the *Cannabis Control Act 2017*

In October 2018, provincial government amendments to provincial legislation, including the *Smoke Free Ontario Act*, specifically address cannabis consumption in addition to tobacco use. These amendments eliminated the need for YRT Special Constables to have further powers under the *Cannabis Control Act, 2017* as related offences would now be addressed under the Region's existing bylaws.

On February 27, 2019, the York Regional Police Services Board approved additional powers for York Region Transit Special Constables

Further to Council approval in September 2018, and final approval by York Regional Police Services Board in February 2019, the following legislative provisions are now included in the approved powers of YRT Special Constables.

- *Liquor Licence Act, s. 31(5), 32(5), 47(1) 47(1.1) 48*

These sections provide for arrest and seizure powers with respect to liquor licensing offences. The authority under these provides YRT Special Constables with the ability to deal with infractions that may pose an immediate risk to the public, and enable them to more effectively preserve order in the transit system and minimize service interruptions.

- *Trespass to Property Act, s. 9*

The authority under this section gives YRT Special Constables the ability to deal with infractions relating to arrest and release of persons who are trespassing or engaging in prohibited activities on YRT property, or who refuse to leave YRT property when directed.

The additional powers granted YRT Special Constables will be reflected in the upcoming revision to the Joint Services Agreement with the York Regional Police Services Board.

No significant costs have been identified with expanding the authorities of York Region Transit Special Constables

Costs associated with the expansion of authorities are included in the approved 2019 budget. These costs include training provided on the new authorities.

York Region Transit Special Constables are now better equipped to address offences that impact travellers' experience

With the expanded authorities YRT Special Constable will be able to efficiently address related offences that directly impact the enjoyment and comfort of its travellers. YRT is committed to providing a safe and comfortable experience throughout its transit system.

For more information, please contact Ann-Marie Carroll, General Manager, York Region Transit at 1-877-464-9675 ext. 75677

Paul Jankowski
Commissioner of Transportation Services

Bruce Macgregor
Chief Administrative Officer

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