PARKERINGSKLAGENÆVNET

# AFGØRELSE FRA PARKERINGSKLAGENÆVNET
# 11. november 2025

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| **Sagsnummer:** | 6432 |
| **Klageren:** | [redacted] |
| **Indklagede:** | CITY PARKERINGSSERVICE A/S<br>Postboks 204<br>2605 Brøndby |
| **Klagen vedrører:** | Kontrolafgift på kr. 795,- pålagt for overtrædelse af de skiltede vilkår om anvendelse af tilladelse.<br>Køretøjet i sagen var på tidspunktet for kontrolafgiftens udstedelse parkeret uden tilladelse. |
| **Parternes krav:** | Klageren ønsker kontrolafgiften annulleret.<br>Indklagede ønsker kontrolafgiften opretholdt. |
| **Nævnets sammensætning:** | Nævnsformand, dommer Mette Søgaard Vammen<br>Uffe Jespersen, FDM (deltager med to stemmer)<br>Thomas Jørgensen, DPPB<br>Steen Jørgensen, DPPB |

**SAGENS OMSTÆNDIGHEDER:**

Denne sag vedrører en kontrolafgift pålagt den 14. november 2021, kl. 10:06-10:30 for parkering med køretøjet med reg.nr. [redacted] på et område benævnt: "Øresund Park, 2300 København S".

Afgiften er pålagt med begrundelsen: "Parkering uden tilladelse".

Der er fremlagt foto af eksempel på skiltningen på p-pladsen. Af skiltningen fremgår:

"PARKERINGSREGLER

Parkering kun tilladt mod betaling i én af de nedenstående mobil apps

Hele døgnet alle dage er parkering tilladt med gyldig beboer parkeringslicens

Parkering kun tilladt i afmærkede p-båse
…"

Af sagens oplysninger fremgår, at køretøjet var parkeret uden tilladelse, idet klageren har anført, at han havde ændret tilladelsen i appen før udstedelsen af kontrolafgiften denne dag.

**PARTERNES SYNSPUNKTER OVER FOR PARKERINGSKLAGENÆVNET:**

**Klageren har særligt anført følgende:**

"…
I have a paid parking space on Balder - Øresund Strandpark for a vehicle with registration number cm 50346. The vehicle was on the reparation from November 8. Until November 13, so I temporarily replaced the vehicles that were parked and upon my return I forgot to return my vehicle number on time and an additional ticket was issued for two days. First day was November 13. And I paid fine for this day. Second day was November 14. But fine for this day was issued 14 minutes after I made changes in the application for the parking on the parking company webpage. You can see that on their e-mail where they rejected my compline. I put back my plate number at 10.16 AM and fine was issued at 10.30 AM as you can see on photos sent by e-mail from the company. I tried to talk with someone from the parking company and they told me that I have send compline to you."

"*("That when the vehicle with registration number* [redacted] *was observed on the 13.11.2021 in the time period 16:45 – 16:50 and on the 14.11.2021 in the time period from 10:06 – 10:30 was not registered to have a residential license, (Appendix 2.1 and Appendix 2.2) That the complainant confirms that their vehicle was not registered with a residential license until 10:16 on the 14.11.2021, which his after the parking was started and after the vehicle had been observed for the 5 minutes necessary to issue a ticket for illegal parking on the area, ")*

I did not complain for the day 13.11.2021. because it was my mistake and I paid for this. About the next day I made complain because I changed in app my registration number for the residential license at 10.16h. The car was observed at 10.06 and I sow the City Parkeringservice employee and ask him can I change the license plate number. He told me that I have to call landlord, but I did it through the web application and as you can see it worked from 10.16 14.11.2021. as you have it in appendix sent on 10. Dec. 2021.

So, I'm sure that City Parkeringservice employee had to check to see if I paid parking in any way in the meantime. Obviously, he didn't and just issued the fine. Otherwise, he will see that license plate number is in the system.

By changing the license plate number, the payment for the parking service is started at 10.16h at 14.11.2021, based on residential license, and according to the Low fine can't be issued because parking was paid.

That the fine ticket has been issued at 10.15h I will not have legal basis to complin, but ticket has been issued at 10.30h without checking.
…"

""The complainant's vehicle was observed on the 14.11.2021 in the period 10:06 – 10:30. As the complainant writes in their response, the residential license was activated at 10:16 on the 14.11.2021. For this reason, the complainant was not allowed to park on the lot, during a period of the time, where they were parked. This the reason the fine was given."

Vehicle was observed on 14.11.2021. at 10.06. and fine was given at 10.30 without checking is parking paid or not. I had the option to pay for parking using the application and I'm sure that the parking service employee had to check that the parking lot had been paid or not in the meantime. Otherwise, what is the purpose of the time from spotting the vehicle to issuing a fine?

"The fact that the complainant was allowed to park on the parking lot from 10:16 on the 14th of November, does not change the fact that they were not allowed to park from midnight to 10:16, at which time, the car was also parked on the lot."

It is not clear how the parking service knows that the vehicle was parked on 14.11.2021. from midnight to 10.16h? If the vehicle was noticed 14.11.2021. before 10.06h, why the fine was not issued then? My vehicle is parked in that place today, for example, and does that mean that they can claim that it has been parked since 13/11/2021 and that they can collect fines for all days since then?

I can't agree with their explanation and asking institution to annul the fine.

Parking service notice the vehicle at 10.06h and issued the fine without checking are the parking lot was paid or not at 10.30h. Parking lot was paid at 10.16h and they couldn't issue the fine after that time as they did.
…"

**Indklagede har særligt anført følgende:**

"…
In support of the respondent's claims, the following is asserted:

That the complainant by parking at the area Øresund Strandpark Øresundsvej 145-159, 2300 København S, on the 13.11.2021 and 14.11.2021, implicitly accepted the rules and regulations regarding parking on said area,

That there is a definite presumption that the complainant did park as described above, since the complainant states this in their complaint to Pakreringsklagenævnet/Board of Parking Complaints on the 10.12.2021,

That the case regards private parking, which means parking based on the implicit agreement in relation to the terms contained on the entrance sign placed at the entrance to the area, in accordance with BEK. 202 of 28/02/2014 §3, para. 1. For this reason, it should have been apparent to the complainant that the area was regulated by rules regulating private parking,

That the following is clear and understandable from the signs on the area:
- Parking is only allowed in exchange through mobile payment in one of the mobile apps below/Parkering kun tilladt mod betaling I én af nedenstående mobil apps,
- Parking is allowed on all days and all hours ff the day with a valid residential license/Hele døgnet alle dage er parkering tilladt med gyldig beboer parkeringslicens,
- Parking is only allowed inside the marked-off parking booths/Parkering kun tilladt I afmærkede pbåse, (Appendix 1)

That when the vehicle with registration number [redacted] was observed on the 13.11.2021 in the time period 16:45 – 16:50 and on the 14.11.2021 in the time period from 10:06 – 10:30 was not registered to have a residential license, (Appendix 2.1 and Appendix 2.2)

That the complainant confirms that their vehicle was not registered with a residential license until 10:16 on the 14.11.2021, which his after the parking was started and after the vehicle had been observed for the 5 minutes necessary to issue a ticket for illegal parking on the area,

That the complainant as the driver of the vehicle is responsible for making sure that parking complies with the regulations of the area,

That the complainant has had adequate opportunity to follow the regulations of the area,

That the complainant was aware of the rules regulating the area, and by parking their vehicle on the area has accepted said rules,

That the complainant thus did not adequately comply with the rules and regulations of Øresund Strandpark Øresundsvej 145-159, 2300 København S, and that the tickets were issued in accordance with the law,

That the complainant's objection to the ticket with serial number 003647115201894 is to be considered contested in every respect,

That the signs on Øresund Strandpark Øresundsvej 145-159, 2300 København S, are sufficiently clear and understandable, and that the complainant thusly with regular vigilance would have been able to comply with rules displayed on said signs,

That the contested ticket is issued in accordance with national law, and the complainant for this reason is obligated to pay the respondent's their claim.
…"

"…
The respondent has the following comments to its statement of defence from the 7th of January 2022.

As is made clear from the signs on the parking lot Øresundsvej 145-159, 2300 København S, one may only park on the lot, if they either pay for their parking or have a residential license, cf. Appendix 1 and 3.

The complainant's vehicle was observed on the 14.11.2021 in the time period 10:06 – 10:30. As the complainant writes in their response, the residential license was activated at 10:16 on the 14.11.2021. For this reason, the complainant was not allowed to park on the lot, during a period of the time, where they were parked. This the reason the fine was given.

It is the responsibility of the individual, wishing to park with a residential license, to make sure that they are correctly registered as having said license during the entire time that they are parked.

The fact that the complainant was allowed to park on the parking lot from 10:16 on the 14th of November, does not change the fact that they were not allowed to park from midnight to 10:16, at which time, the car was also parked on the lot.

This is, furthermore, not influenced by the complainant having received a fine on the 13th of November as well; the signs on the parking lot clearly state that a fine may be issued for each started day that a vehicle does not correctly uphold the rules and regulations of the parking lot, cf. Appendix 1 and 3.

The respondent therefore maintains its full claim towards the complainant. This includes the fact that the ticket was issued rightly. The respondent refers to its previous comments and to its statement ff defence from the 7th of January.
…"

"…
The respondent has the following comments to its statement of defence from the 7th of January 2022 and rejoinder (duplik) from the 15th of February 2022.

It was never claimed in the rejoinder from the 15.02.2022 that the complainant's car had been parked in the given spot from midnight on the 14.11.2021. It was only claimed that even though the complainant was allowed to park on the parking lot from 10:16 AM, this had no impact on his parking prior to 10:16 AM: from midnight until 10:16 AM. Since the complainant's car was observed from 10:06, it is, however, provable that during at least 10 minutes of the 14.11.2021, the complainant did not comply with the parking restrictions of the area, and for this reason a parking fee may be given, cf. Appendix 2.2.

It should, however, be noted that it seems to be a fair assumption that the complainant's car was parked in the same spot from approximately 05:00 PM on the 13.11.2021, since the car is in the same spot, which may be seen by comparing Appendix 2.1 and Appendix 2.2, and the parking disk was set to 05:00/17:00 during both observations of the car, cf. Appendix 4. It may, however, rightly be pointed out that this may also have occurred from moving the car and parking it again between 04:45 – 05:00 AM on the morning of the 14.11.2021.

The respondent therefore maintains its full claim towards the complainant. This includes the fact that the ticket was issued rightly. The respondent refers to its previous comments and to its statement ff defence from the 7th of January and rejoinder (duplik) from the 15th of February 2022.
…"

**SAGENS DOKUMENTER:**

Parternes indlæg og bilag.

**PARKERINGSKLAGENÆVNETS BEGRUNDELSE OG RESULTAT:**

**2 medlemmer med 3 stemmer (Mette Søgaard Vammen, Uffe Jespersen) udtaler:**

Af skiltningen på området fremgår, at parkering hele døgnet alle dage er tilladt med gyldig beboer parkeringslicens.

Parkeringsvagten har observeret køretøjet i tidsrummet kl. 10:06-10:30 uden tilladelse, hvilket er dokumenteret ved fotos optaget kl. 10:29:59 – 10:30:36.

Klageren har anført, at hans køretøj havde været til reparation fra den 8. til den 13. november. Han modtog to kontrolafgifter for henholdsvis den 13. og den 14. november. Han betalte den første, men den anden kontrolafgift blev udstedt 14 minutter efter han havde foretaget ændringer i applicationen.

Indklagede har – trods opfordret hertil – ikke uploadet foto af klagerens køretøj (fra starten af observationen den 14. november 2021) på Parkeringsklagenævnets henvendelse i sagen inden for den frist, der er meddelt indklagede.

Da indklagede således ikke er fremkommet med fotos af klagerens køretøj inden fristudløb, træffes der afgørelse på det foreliggende grundlag, jf. Parkeringsklagenævnets vedtægter § 12, stk. 2., 4 pkt.

Da indklagede ikke har reageret i sagen, og der således ikke er holdepunkter for at opretholde kontrolafgiften, er CITY PARKERINGSSERVICE A/S ikke berettiget til at fastholde kravet om betaling af kontrolafgiften.

**2 medlemmer (Thomas Jørgensen og Steen Jørgensen) udtaler:**

Af den skiltning, der er fremlagt i sagen, fremgår det bl.a., at:

> ”PARKERINGSREGLER
> Parkering kun tilladt mod betaling i én af de nedenstående mobil apps
> Hele døgnet alle dage er parkering tilladt med gyldig beboer parkeringslicens
> Parkering kun tilladt i afmærkede p-båse
> …”

Klagers bil blev observeret parkeret uden gyldig beboerlicens begge dage, og klager har selv oplyst, at licensen først blev aktiveret den 14. november kl. 10:16, altså efter observationerne og efter den periode, hvor bilen allerede havde været parkeret.

Det er klager eget ansvar at sikre sig korrekt registrering og overholdelse af parkeringsreglerne i hele det tidsrum, hvor køretøjet er parkeret. Derudover indikerer observationerne og bilens uændrede placering, at bilen med stor sandsynlighed har stået parkeret på stedet uafbrudt siden den 13. november (hvilket år?), hvilket understøtter, at der har været tale om en længerevarende overtrædelse af vilkårene. Skiltene i området er klare og forståelige, og der har ikke været nogen til hinder for, at klager har kunnet overholde reglerne.

Som følge heraf er kontrolafgifterne pålagt med rette.

Der træffes afgørelse efter stemmeflertallet.

**PARKERINGSKLAGENÆVNETS AFGØRELSE:**

CITY PARKERINGSSERVICE A/S er ikke berettiget til at opretholde kravet om betaling af kontrolafgift på kr. 795,-.

Indklagede skal betale kr. 3.500,- i sagsomkostninger til Parkeringsklagenævnet, som sender en opkrævning til indklagede.

Klagegebyret tilbagebetales til klageren.

Der er ikke taget stilling til øvrige sagsomkostninger.

Hver af parterne kan anlægge sag ved domstolene om de forhold, som klagen har vedrørt.

Klageren henvises til at søge yderligere oplysning om eventuel bistand i forbindelse med sagsanlæg på www.domstol.dk, www.advokatsamfundet.dk og/eller eget forsikringsselskab om eventuel retshjælpsforsikring.

På Parkeringsklagenævnets vegne

Mette Søgaard Vammen
Nævnsformand