

**AFGØRELSE FRA PARKERINGSKLAGENÆVNET****12. februar 2025****Sagsnummer:** 4783**Klageren:** [REDACTED]  
[REDACTED]  
[REDACTED]**Indklagede:** COPARK A/S  
Stamholmen 173  
2650 Hvidovre**Klagen vedrører:** Kontrolafgift på kr. 795,- pålagt for overtrædelse af de skilte vilkår om anvendelse af p-skive eller p-tilladelse.  
Køretøjet i sagen var på tidspunktet for kontrolafgiftens udstedelse parkeret med overskredet p-tid eller urigtig indstillet p-skive samt uden gyldig p-tilladelse.**Parternes krav:** Klageren ønsker kontrolafgiften annulleret.  
Indklagede ønsker kontrolafgiften opretholdt.**Nævnets sammensætning:** Nævnensformand, dommer Mette Søgaard Vammen  
Thomas Jørgensen, DPPB  
Per Jensen, Forbrugerrådet Tænk**SAGENS OMSTÆNDIGHEDER:**

Denne sag vedrører en kontrolafgift pålagt den 4. december 2020, kl. 18.22-18.27 for parkering med køretøjet med reg.nr. [REDACTED] på et område benævnt: Tom Kristensens Vej 8-16, 2300 København S.”.

Afgiften er pålagt med begrundelsen: ””.

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

”P-regler  
GÆLDER ALLE DAGE 00-24

PARKERING KUN FOR BESØGENDE I FSB FÆLLEDHAVEN

- Parkering tilladt max 30 minutter med korrekt indstillet p-skive
- Ubegrænset parkering tilladt med gyldig P-tilladelse til området udstedt af COPARK

..."

Af sagens oplysninger fremgår, at køretøjet var parkeret med overskredet p-tid eller urigtig indstillet p-skive samt uden gyldig p-tilladelse.

#### **PARTERNES SYNSPUNKTER OVER FOR PARKERINGSKLAGENÆVNET:**

##### **Klageren har særligt anført følgende:**

" ...

I have made a complaint about a ticket I got in on December 4 2020. I know that I had to have a parking permit from the owners of the apartment that I was visiting (the p-skiver was not an option the previous year and an actual permit from the host was needed, apparently the P-skive would allow me to park, but that was not the case before). The address is Tom Kristiansens vej 14, 407. When I arrive at the apartment, I say hi to my friends and ask for the parking permit. From the moment I left the car and arrive at the apartment, say happy birthday to the host I ask for the parking permit (valid for 24 hours, see picture below), it must have been 10/15 minutes max. and when I left in the evening I did not see any ticket in my car, someone must have removed it, so I never found out about the ticket until the middle of January when I got letter from the parking company. I called my friend to find out about the permit I got from her, and the picture she sent me shows that the permit started at 18.31, lasting for 24 hours. The parking ticket I got says that they reported the ticket at 18.27. meaning only 4 minutes before my permit was officially in the system. We don't know if there was a delay in the system registering process, but it impossible to discard that this could have occurred, but in any case 4 minutes is not reasonable considering the distance I had to walk from the the parking to the apartment in the 4 floor in a large building with more than 20 flats per floor, and some civil manners suggest that it is important to say hi first. Thank you for your understanding. ..."

" ...

I understand that it is my responsibility to ensure that the rules are followed. But my claim is that I did so. This is because we rely on IT systems that are prone to failure or delay. The facts are: 1) I got a fine for not having a valid ticket on December 4, kl 18.22-27, and 2) 4 minutes later I had a valid ticket on the system, lasting from December 4, kl 18.31 until December 5, kl 18.31 (see attached image: Parkeringstilladelse04.12.2020.png).

I was first following the idea that that was the time I got the ticket, and the problem was my long walking distance to the host I was visiting that day. However, after talking to them it seems like they had already demanded the ticket by kl 18.20. My main point here is that a delay of 4 minutes or more are very likely by a potential failure or delay in the server holding the parking permits, or in the internet connection, that could very likely be responsible for the fact of not having a valid ticket at kl 18.22 - 18.27 the given day. In other words, my claim is that I did have a valid ticket at kl 18.22-27, but the update of the servers controlling the tickets or whatever other IT failure might be the reason of appearing as not having a valid ticket at that moment. It is not possible to claim that the servers are infallible, at least to the point of having a significant delay in the synchronization of the data for at least a few minutes.

I also find unbelievable that the parking company does not see my good faith or consider that fact that there was a valid ticket only 4 minutes after they controlled the car, and they do not conclude about the good faith of the driver. Maybe someone else is having doubtful faith when dealing with passing tickets without any type or civil consideration.

I think this is more than a powerful argument to dismiss the fine as any serious parking controlling company would have done.

..."

#### **Indklagede har særligt anført følgende:**

" ...

It is the drivers responsibility to make sure that the rules are followed when the car is parked. It says on the signs on the parking lot, that parking is only allowed for 30 minutes with a correct set parking disc or for a longere period med at parking permit. The car was observed from 18.22-18.27, and on that time, there where not correct set parking disc or a parking permit. The driver could have just set the parking disc, then he would have had 30 minutes to get af parking permit.

As there was no parking permit on the car when the parking guard observed the car, the ticket is still maintained.

..."

" ...

It is the drivers responsibility to make sure there is a valid permit on the car when the vehicle is left. If the driver dosen't have a permit on the car when the arrive, they need to park in a place, where they can park legally and then park in the area when they have gotten af permit. As mentioned in the complaint reply, is it possible according to the signs in the area to park for 30 minutes with a correct set parking disc, so there are time to get a permit. They could also have send the tenant that lives in the area there license plate in advance, so the permit was ready when they arrived.

In reference to above mentioned, the ticket is maintained, and we have no more comments regarding this case.

..."

#### **SAGENS DOKUMENTER:**

Parternes indlæg og bilag.

#### **PARKERINGSKLAGENÆVNETS BEGRUNDELSE OG RESULTAT:**

Af skiltningen på området fremgår det, at parkering er tilladt med p-skive i 30 minutter eller med gyldig p-tilladelse.

Parkeringsvagten har observeret køretøjet kl. 18:22-18:27 parkeret uden tilladelse og med en p-skive indstillet til kl. 16.00.

Klageren har anført, at den beboer, han skulle besøge, oprettede en p-tilladelse til ham kl. 18:20, og at det må skyldes en forsinkelse i systemet, at p-tilladelsen ikke fremgik kl. 18:22

Der er imidlertid anden angivelse på skiltningen, hvorefter parkering kan foretages ved brug af p-skive i 30 minutter, mens p-tilladelse indhentes.

Da parkering således skete i strid med de skilte vilkår, er kontrolafgiften udstedt med rette.  
Herefter er COPARK A/S berettiget til at opretholde kravet om klagerens betaling af kontrolafgiften.

**PARKERINGSKLAGENÆVNETS AFGØRELSE:**

COPARK A/S er berettiget til at opretholde kravet om betaling af kontrolafgiften på kr. 795,-.

Klageren skal betale beløbet til COPARK A/S, som sender betalingsoplysninger til klageren.

Klagegebyret tilbagebetales ikke til klager.

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](http://www.domstol.dk), [www.advokatsamfundet.dk](http://www.advokatsamfundet.dk) og/eller eget forsikringsselskab om eventuel retshjælpsforsikring.

På Parkeringsklagenævnets vegne

Mette Søgaard Vammen  
Nævnensformand