

Authority: Policy and Finance Committee Report No. 15, Clause No. 2, adopted as amended,
by City of Toronto Council on November 26, 27 and 28, 2002
Enacted by Council: November 29, 2002

CITY OF TORONTO

BY-LAW No. 1096-2002

To adopt a new City of Toronto Municipal Code Chapter 162, Notice, Public.

WHEREAS under section 251 of the *Municipal Act, 2001*, S.O. 2001, c.25, where a municipality is required to give notice under a provision of that Act, the municipality shall, except as otherwise provided, give the notice in a form and in the manner and at the times that the council considers adequate to give reasonable notice under the provision; and

WHEREAS sections of the *Municipal Act, 2001* require a municipality to give notice to the public generally of its intention to pass certain by-laws, of the holding of certain required public meetings, and of other matters; and

WHEREAS Council has delegated the holding of required public meetings and the providing of an opportunity to be heard, and the hearing of depositions on other matters to committees of Council;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. The City of Toronto Municipal Code is amended by adding the following chapter:

Chapter 162

NOTICE, PUBLIC

ARTICLE I

General

§ 162-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

CITY'S WEB SITE — The official City of Toronto Internet web site.

COMMITTEE – A committee of Council.

MUNICIPAL ACT — The *Municipal Act, 2001*, S.O. 2001, c.25.

NEWSPAPER — The same meaning as in subsection 29(1) of the *Interpretation Act*.

NOTICE TO THE PUBLIC or PUBLIC NOTICE — Notice given to the public generally, but does not include notice given only to specified persons.

NOTICES PAGE — The subdirectory on the City's web site where notices are posted.

§ 162-2. Application.

- A. Where the City is required to give notice to the public under a provision of the *Municipal Act*, the notice shall be given in a form and manner and at the times indicated in this chapter, unless:
- (1) The *Municipal Act*, another Act or a regulation prescribes otherwise for the notice to the public;
 - (2) The requirements for notice to the public are prescribed in another chapter; or
 - (3) Council directs that other public notice is to be given that Council considers adequate to give reasonable notice under the provision.
- B. This chapter does not apply to notices that are otherwise provided for in Chapter 27, Council Procedures, including a notice of motion that deals with the giving of public notice.

§ 162-3. Notice to the public.

- A. The following are the general requirements for giving notice to the public by the City:
- (1) The notice shall be published once in a newspaper of general circulation in the City at least two weeks before the City committee meeting at which the matter will be considered and an opportunity is provided for members of the public to speak to the matter.
 - (2) The notice shall be posted on the notices page of the City's web site for at least the two-week period immediately preceding the City committee meeting described in Subsection A(1).
 - (3) A notice given under Subsection A(1) and (2) is sufficient even if there are times during the two-week period when the City's web site is not accessible.
 - (4) A notice given under Subsection A(1) and (2) shall contain the following information:
 - (a) A general description of the matter.
 - (b) Where the matter relates to a defined location, sufficient particulars of the location, such as reference to a municipal address or street intersection, or to a legal description or plan.
 - (c) The date at which the matter will be considered at a City committee meeting.

- (d) Instructions on obtaining additional information, submitting comments, or attending the City committee meeting.
 - (5) If the matter is deferred at the City committee meeting, no additional notice is required, except where the *Municipal Act* provides otherwise.
 - (6) If the matter is considered at a subsequent City committee meeting or Council meeting, no additional notice is required, except where the *Municipal Act* provides otherwise.
 - (7) The requirements in Subsection A(1) to (6) are minimum requirements, and the City Clerk is authorized to give notice to the public in an extended manner if, in the opinion of the City Clerk and the Commissioner or other City official concerned with the matter, the extended manner is reasonable and necessary in the circumstances.
- B. At least once a year the City Clerk shall cause a notice to be published in a newspaper of general circulation setting out information on how to access the City's web site to locate public notices and the related City documents, for example, a report or by-law.
- C. The schedule of meetings as adopted by Council from time to time shall be posted on the City's web site, and the posted schedule may be revised by the City Clerk to include additional information on the meetings and any other public meetings of the City.

ARTICLE II Specific Notice Requirements

§ 162-4. Notice under general requirements.

Notice to the public generally for the following matters shall be given in accordance with the requirements in § 162-3A:

- A. A notice of intention to pass a by-law, as required under the *Municipal Act* provisions noted in brackets:
- (1) For permanently closing a highway (subsection 34(1)).
 - (2) For permanently altering a highway, if the alteration is likely to deprive any person of the sole means of motor vehicle access to and from the person's land over any highway (subsection 34(2)).
 - (3) Designating a highway as a controlled-access highway and prohibiting the construction or use of a private road, entrance, gate or other structure as a means of access to the highway (subsection 36(3)).
 - (4) Naming a highway or changing the name of a highway, a municipality shall give public notice of its intention to pass the by-law (section 47).
 - (5) To name or change the name of a private road (section 48).

- (6) Respecting advertising devices, including signs (section 99).
 - (7) Changing the City's name (subsection 187(2)).

 - (8) To change the composition of Council (subsection 217(2)).

 - (9) To divide or redivide the municipality into wards or dissolve the existing wards (subsection 222(2)).

 - (10) A procedure by-law (section 238).
- B. A notice of a public meeting, as required under the *Municipal Act* provisions noted in brackets, respecting:
- (1) A proposed licensing by-law (subsection 150(4)).
 - (2) A licensing by-law (subsection 150(5)).
 - (3) A proposed business registry by-law (subsection 157(3)).
 - (4) A business registry by-law (subsection 157(4)).
 - (5) A restructuring proposal (subsection 173(3)).
- C. Notice of the passing of a by-law to divide or redivide the municipality into wards or dissolve the existing wards, as required under subsection 222(3) of the *Municipal Act*.
- D. Notice of improvements in service, as required under subsection 300(1) of the *Municipal Act*, unless the Minister of Municipal Affairs and Housing has designated otherwise under subsection 300(2) of the *Municipal Act*.
- E. Notice of any other matter under the *Municipal Act*, unless an exception in § 162-2 applies.

§ 162-5. Notice of budget changes.

The following rules apply to public notice of Council's intention to adopt or amend a budget, as required under section 291 of the *Municipal Act*:

- A. Notice of intention to adopt a budget shall be given in accordance with the requirements in § 162-3A, except that notice is to be given of the Council meeting at which the matter will be considered instead of the City committee meeting described in § 162-3A(1) and the other requirements in § 162-3A apply with necessary changes.

- B. If a proposed amendment to a budget will result in a change to the total tax-supported net levy or a change to any property tax rate, notice to the public shall be given in accordance with the requirements in § 162-3A, except that notice is to be given of the Council meeting at which the matter will be considered instead of the City committee meeting described in § 162-3A(1) and the other requirements in § 162-3A apply with necessary changes.
- C. If a proposed amendment to a budget does not affect the tax supported net levy or property tax rates, adequate notice is given to the public by the schedule of Council meetings as posted on the City's web site and other Council agenda information provided to the public.

§ 162-6. Transition.

Despite § 162-4, if before January 1, 2003, public notice of a matter listed in § 162-4 has been given or commenced as prescribed under the *Municipal Act*, R.S.O. 1990, c. M-45, as it read immediately before its repeal, that notice is considered to be adequate to give reasonable notice for purposes of the public notice required under the *Municipal Act*.

2. This by-law comes into force on January 1, 2003.

ENACTED AND PASSED this 29th day of November, A.D. 2002.

CASE OOTES,
Deputy Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)