

Authority: Planning and Transportation Committee Report No. 1, Clause No. 2,  
adopted as amended, by City of Toronto Council on January 27, 28 and 29, 2004  
Enacted by Council: January 29, 2004

## CITY OF TORONTO

### BY-LAW No. 117-2004

#### **To amend City of Toronto Municipal Code Chapter 545, Licensing, respecting the establishment of administrative thresholds for the issuance of business licenses.**

WHEREAS Section 150 of the *Municipal Act, 2001*, grants local municipalities the authority to license, regulate and govern any business wholly or partly carried on within the municipality for purposes of health and safety and consumer protection; and

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

1. Chapter 545, Licensing, of the City of Toronto Municipal Code is amended as follows:

A. By deleting the reference to “Subsection C” in Subsection 545-4B(1)(a) and replacing it with “Subsections C and C.1”.

B. By adding the following subsection C.1 to § 545-4:

C.1 Administrative thresholds for denial of licence.

In addition to the grounds set out in subsection C of this section, the Municipal Licensing and Standards Division shall, with respect to applications received on or after July 1, 2004, refuse the issuance or renewal of a licence where an applicant has not met the business licensing thresholds as set out in Appendix K to this chapter.

C. By adding the following subsection to § 545-5:

M. Any licensee who in the course of the tenure of his or her licence ceases to comply with the business licensing thresholds contained in Appendix K to this chapter shall immediately contact and advise the Municipal Licensing and Standards Division of the nature and extent of the violation, and failure to provide such notice may independently result in the suspension of the licence-holder’s licence.

D. By adding the following to the end of § 545-6A:

For greater certainty, the Toronto Licensing Tribunal shall not be bound by the business licensing thresholds as set out in Appendix K to this chapter, provided that the Toronto Licensing Tribunal shall be required to report, within a reasonable period of time, to the appropriate Community Council with respect to stationary licenses, or to the Planning and Transportation Committee with respect to mobile or trades licences, setting out the basis for:

- (1) A decision to issue or renew a licence refused by the Municipal Standards and Licensing Division for failure to comply with Subsection 545-4C.1; or
- (2) A decision not to attach conditions, revoke or suspend a licence as recommended by Municipal Standards and Licensing Division for failure to comply with the business licensing thresholds as set out in Appendix K to this chapter.

E. By deleting Subsection 545-6B and substituting the following:

The Municipal Licensing and Standards Division may refer to the Toronto Licensing Tribunal for a hearing any matter in respect of which a licence may be refused, suspended, revoked or have conditions imposed on it pursuant to this chapter, which shall include the failure by a licensee to comply with the business licensing thresholds as set out in Appendix K to this chapter.

F. By adding the business licensing thresholds attached as Schedule "A" to this by-law as Appendix K to the chapter.

2. This by-law shall come into force on July 1, 2004.

ENACTED AND PASSED this 29th day of January, A.D. 2004.

DAVID R. MILLER,  
Mayor

ULLI S. WATKISS  
City Clerk

(Corporate Seal)

**Schedule A****APPENDIX K TO CH. 545  
BUSINESS LICENSING THRESHOLDS**

## Group No. 1:

Licences: taxicab driver, taxicab owner, limousine driver, limousine owner, catering truck driver, catering truck owner, driving school instructor, driving school owner, tow truck driver, tow truck owner, horse drawn carriage operator, hot dog cart operator, rickshaw/pedicab operator

## 1-A. Issuance/renewal is to be denied, if the applicant has:

- (i) any criminal offence convictions involving minors;
- (ii) any restriction code 01 convictions within the last 10 years;
- (iii) any restriction code 02 convictions within the last two years;
- (iv) two or more restriction code 02 convictions within the last five years;
- (v) any restriction code 04 or 05 convictions within the last year;
- (vi) three or more restriction code 04 or 05 convictions, or combinations thereof, within the last five years;
- (vii) any restriction code 06 convictions within the last two years;
- (viii) three or more restriction code 07 convictions within the last year;
- (ix) accumulated six or more by-law and related\* convictions concerning the operation of the business or any prior business within the last year; or
- (x) overdue by-law fines exceeding \$500.

## 1-B. Recommendation to the Toronto Licensing Tribunal to suspend a licence is to be made, if during the current tenure of the licence the applicant is:

- (i) convicted of any criminal offence charges involving minors;
- (ii) convicted of any restriction code 01 charges;
- (iii) convicted of any restriction code 02 charges;
- (iv) convicted of any restriction code 04 or 05 charges, or combination thereof;
- (v) convicted of any restriction code 06 charges;
- (vi) convicted of any restriction code 07 charges;
- (vii) convicted of six or more by-law and related\* charges concerning the operation of the business or any prior business within the last year; or
- (viii) owing overdue by-law fines exceeding \$500.

## 1-C. Recommendation to the Toronto Licensing Tribunal to issue/renew a licence with conditions is to be made, if the applicant has:

- (i) any restriction code 01 convictions more than ten years old;
- (ii) two or more restriction code 02 convictions in the last ten years;
- (iii) three or more restriction code 04 or 05 convictions, or combination thereof, within the last ten years;

- (iv) accumulated nine or more demerit points (as defined in the HTA) within the last year;
- (v) accumulated four or more by-law and related\* convictions concerning the operation of the business or any prior business within the last year; or
- (vi) two restriction code 07 convictions within the last year.

\*Related legislation includes, but is not limited to, City of Toronto By-laws, *Fire Protection and Prevention Act*, S.O. 1997, c. 4 (Fire Code); *Building Code Act, 1992*, S.O. 1992, c. 23; *Planning Act*, R.S.O. 1990, c. P.13; *Health Protection and Promotion Act*, R.S.O. 1990, c. H.7; *Business Names Act*, R.S.O. 1990, c. B.18; *Retail Sales Tax Act*, R.S.O. 1990, c. R.31; and the *Excise Tax Act*, R.S.C. 1985, c. E-15.

#### Group No. 2:

Licences: adult entertainment parlours, burlesque entertainers, body rub parlours, body rub attendants, massage parlours, holistic centres and practitioners, public bath houses

#### 2-A. Issuance/renewal is to be denied, if the applicant has:

- (i) any criminal offence convictions involving minors;
- (ii) any restriction code 01 convictions within the last 10 years;
- (iii) any restriction code 02 convictions within the last two years;
- (iv) two or more restriction code 02 convictions within the last five years;
- (v) any restriction code 03 or 05 convictions, or combination thereof, within the last year;
- (vi) three or more restriction code 03 or 05 convictions within the last five years;
- (vii) three or more restriction code 07 convictions within the last year;
- (viii) accumulated six or more by-law and related\* convictions concerning the operation of the business or any prior business within the last year; or
- (ix) overdue by-law fines exceeding \$500.

#### 2-B. Recommendation to the Toronto Licensing Tribunal to suspend a licence is to be made, if during the current tenure of the licence the applicant is:

- (i) convicted of any criminal offence charges involving minors;
- (ii) convicted of any restriction code 01 charges;
- (iii) convicted of any restriction code 02 charges;
- (iv) convicted of any restriction code 03 or 05 charges, or combination thereof;
- (v) convicted of any restriction code 07 charges;
- (vi) convicted of six or more by-law and related\* charges concerning the operation of the business or any prior business within the last year; or
- (vii) owing overdue by-law fines exceeding \$500.

#### 2-C. Recommendation to the Toronto Licensing Tribunal to issue/renew a licence with conditions is to be made, if the applicant has:

- (i) any restriction code 01 convictions more than ten years old;
- (ii) two or more restriction code 02 convictions in the last ten years;
- (iii) three or more restriction code 03 or 05 convictions, or combination thereof, within the last ten years;

- (iv) accumulated four or more by-law and related\* convictions concerning the operation of the business or any prior business within the last year; or
- (v) two restriction code 07 convictions within the last year.

\*Related legislation includes, but is not limited to, City of Toronto By-laws, *Fire Protection and Prevention Act*, S.O. 1997, c. 4 (Fire Code); *Building Code Act, 1992*, S.O. 1992, c. 23; *Planning Act*, R.S.O. 1990, c. P.13; *Health Protection and Promotion Act*, R.S.O. 1990, c. H.7; *Business Names Act*, R.S.O. 1990, c. B.18; *Retail Sales Tax Act*, R.S.O. 1990, c. R.31; and the *Excise Tax Act*, R.S.C. 1985, c. E-15.

### Group No. 3

Licences: plumbing contractors, heating contractors, electrical contractors, building renovators, drain contractors, insulation installers.

3-A. Issuance/renewal is to be denied, or a recommendation to the Toronto Licensing Tribunal to revoke is to be made, if the applicant has:

- (i) any criminal offence convictions involving minors;
- (ii) any restriction code 01 convictions within the last 10 years;
- (iii) any restriction code 02 convictions within the last two years;
- (iv) two or more restriction code 02 convictions within the last five years;
- (v) any restriction code 03 convictions within the last year;
- (vi) three or more restriction code 03 convictions within the last five years;
- (vii) three or more restriction code 07 convictions within the last year;
- (viii) accumulated six or more by-law and related\* convictions concerning the operation of the business or any prior business within the last year; or
- (ix) overdue by-law fines exceeding \$500.

3-B. Recommendation to the Toronto Licensing Tribunal to suspend a licence is to be made, if during the current tenure of the licence the applicant is:

- (i) convicted of any criminal offence charges involving minors;
- (ii) convicted of any restriction code 01 charges;
- (iii) convicted of any restriction code 02 charges;
- (iv) convicted of any restriction code 03 charges;
- (v) convicted of any restriction code 07 charges;
- (vi) convicted of six or more by-law and related\* charges concerning the operation of the business or any prior business within the last year; or
- (vii) owing overdue by-law fines exceeding \$500.

3-C. Recommendation to the Toronto Licensing Tribunal to issue/renew a licence with conditions is to be made, if the applicant has:

- (i) any restriction code 01 convictions more than ten years old;
- (ii) two or more restriction code 02 convictions in the last ten years;
- (iii) three or more restriction code 03 convictions within the last ten years;
- (iv) accumulated four or more by-law and related\* convictions concerning the operation of the business or any prior business within the last year; or
- (v) two restriction code 07 convictions within the last year.

\*Related legislation includes, but is not limited to, City of Toronto By-laws, *Fire Protection and Prevention Act*, S.O. 1997, c. 4 (Fire Code); *Building Code Act*, 1992, S.O. 1992, c. 23; *Planning Act*, R.S.O. 1990, c. P.13; *Health Protection and Promotion Act*, R.S.O. 1990, c. H.7; *Business Names Act*, R.S.O. 1990, c. B.18; *Retail Sales Tax Act*, R.S.O. 1990, c. R.31; and the *Excise Tax Act*, R.S.C. 1985, c. E-15.

Group No. 4:

Licences: all other stationary businesses not covered in Classes 1 - 3.

4-A. Issuance/renewal is to be denied, if the applicant has:

- (i) any criminal offence convictions involving minors;
- (ii) any restriction code 01 convictions within the last 10 years;
- (iii) any restriction code 02 convictions within the last two years;
- (iv) two or more restriction code 02 convictions within the last five years;
- (v) any restriction code 03, 04 or 05 convictions, or combination thereof, within the last year;
- (vi) three or more restriction code 03, 04 or 05 convictions or combination thereof, within the last five years;
- (vii) three or more restriction code 07 convictions within the last year;
- (viii) accumulated six or more by-law and related\* convictions concerning the operation of the business or any prior business within the last year; or
- (ix) overdue by-law fines exceeding \$500.

4-B. Recommendation to the Toronto Licensing Tribunal to suspend a licence is to be made, if during the current tenure of the licence the applicant is:

- (i) convicted of any criminal offence charges involving minors;
- (ii) convicted of any restriction code 01 charges;
- (iii) convicted of any restriction code 02 charges;
- (iv) convicted of any restriction code 03, 04 or 05 charges, or combination thereof;
- (v) convicted of any restriction code 07 charges;
- (vi) convicted of six or more by-law and related\* charges concerning the operation of the business or any prior business within the last year; or
- (vii) owing overdue by-law fines exceeding \$500.

4-C. Recommendation to the Toronto Licensing Tribunal to issue/renew a licence with conditions is to be made, if the applicant has:

- (i) any restriction code 01 convictions more than ten years old;
- (ii) two or more restriction code 02 convictions in the last ten years;
- (iii) three or more restriction code 03, 04 or 05 convictions, or combination thereof, within the last ten years;
- (iv) accumulated four or more by-law and related\* convictions concerning the operation of the business or any prior business within the last year; or
- (v) two restriction code 07 convictions within the last year.

\*Related legislation includes, but is not limited to, City of Toronto By-laws, *Fire Protection and Prevention Act*, S.O. 1997, c. 4 (Fire Code); *Building Code Act, 1992*, S.O. 1992, c. 23; *Planning Act*, R.S.O. 1990, c. P.13; *Health Protection and Promotion Act*, R.S.O. 1990, c. H.7; *Business Names Act*, R.S.O. 1990, c. B.18; *Retail Sales Tax Act*, R.S.O. 1990, c. R.31; and the *Excise Tax Act*, R.S.C. 1985, c. E-15.

#### Restriction Codes:

Types:	01	Violent offences resulting in death;
	02	Violent and sexual offences;
	03	Prostitution and violent property offences;
	04	Property and negligence offences;
	05	Narcotics offences;
	06	Vehicular offences; and
	07	Selected licensing by-law offences.

Criminal Code Section	Section Title	Restriction Code
81-82	Using explosives	02
85-91	Use and possession of firearms	02
97(3)	Acquisition of firearms without firearms certificate	02
151-160	Sexual offences	02
170-171	Sexual offences	02
172	Corrupting children	02
173	Indecent Acts	02
212	Procuring	02
213	Offence in relation to prostitution	03
219	Criminal negligence	02
235	Murder	01
236	Manslaughter	01
239	Attempt to commit murder	01
240	Accessory after the fact to murder	01
244	Causing bodily harm with intent – firearm	02
249	Dangerous operation of motor vehicles, vessels and aircraft	02
252	Failure to stop at scene of accident	04
253	Operation while impaired	04
264	Criminal harassment	04
267-69	Assault	02
271-73	Sexual offences	02
279	Kidnapping	02
322	Theft	04
342	Theft, forgery, etc. of credit card	04
343	Robbery	03
346	Extortion	03
354	Possession of property obtained by crime	03
380-402	Fraud	04
433-34	Arson	03

Criminal Code Section	Section Title	Restriction Code
467(11)	Participation in activities of criminal organization	03
Controlled Drugs and Substances Act Sections		
Section	Section Title	Restriction Code
4	Possession	05
5	Trafficking	05
6	Importing and exporting	05
7	Production	05
8	Possession of property obtained by offences under the Act	05
9	Laundering proceeds of offences under the Act	05
Highway Traffic Act Sections		
Section	Section Title	Restriction Code
128	Exceeding the speed limit by 50 kilometres per hour	06
130	Careless driving	06
200	Failing to remain at the scene of an accident	06
216	Failing to stop when signalled or requested by a police officer	06
172	Racing	06
175(11) and (12)	Failing to stop for a school bus	06
City of Toronto Municipal Code Sections		
Section	Section Title	Restriction Code
545-5(C)	Discrimination	07
545-5(D)	Refusing to serve a blind person	07
545-5(I)	Threats and reprisals	07
545-336	Regulations concerning owners and operators of body rub parlours	07
545-341	Construction or equipment not to interfere with enforcement	07
545-353	Minors – body rub parlours	07
545-371	Regulations concerning owners and operators of AEPs	07
545-376	Obstruction or locking of individual rooms or cubicles	07
545-385	Minors – adult entertainment parlours	07
545-395/6	Physical contact	07
545-397/8	Performance	07