

Authority: Planning and Transportation Committee Report 3, Clause 6,
as adopted by City of Toronto Council on May 23, 24 and 25, 2006
Enacted by Council: May 25, 2006

CITY OF TORONTO

BY-LAW No. 384-2006

To adopt a new City of Toronto Municipal Code Chapter 480, Garage Sales.

WHEREAS under the following provisions of the *Municipal Act, 2001* S.O. c. 25, as amended, Council may pass by-laws with respect to safety, City inhabitants' well-being and nuisance matters related to the sale of personal property by "garage sales":

- (a) section 128: to prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council, are or could become or cause public nuisances; and
- (b) section 130: to regulate matters not specifically provided for by this Act or any other Act for purposes related to the health, safety and well-being of the inhabitants of the municipality; and

WHEREAS the negative impacts of garage sales on the health, safety and well being of the inhabitants of the City include noise, litter, traffic congestion and safety concerns related to increased vehicular traffic and vehicular parking in residential areas, and contributes to neighborhood blight; and

WHEREAS Council has declared its opinion, under section 128 of the *Municipal Act, 2001*, that if garage sales in residential zones are not restricted as described in this by-law, they could become or cause public nuisances; and

WHEREAS under section 425 of the *Municipal Act, 2001*, by-laws may be passed by a municipality for providing that any person who contravenes any by-law of the municipality passed under the authority of the *Municipal Act, 2001* is guilty of an offence;

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 480

GARAGE SALES

§ 480-1. Definitions.

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

GARAGE SALE — An offering for sale to the public of personal property held inside or outside of a building located in any residential zone, and includes, but is not limited to, all sales entitled “attic”, “backyard”, “boot”, “driveway”, “estate”, “flea market”, “garage”, “lawn”, “moving”, “patio”, “porch”, “room”, “rummage”, “white elephant” or “yard” sales.

RESIDENTIAL ZONE — A residential zone as defined or designated in the applicable zoning by-law.

§ 480-2. Frequency.

- A. No more than two garage sales may be held in any year from a premises located in any residential zone.
- B. The limitation in Subsection A applies whether or not the sales are held or permitted to be held by one person, a combination of persons or a succession of persons.
- C. A garage sale shall not exceed two consecutive days.
- D. For the purposes of calculating the number of garage sales held in any year under Subsection A:
 - (1) A garage sale shall be counted as one garage sale, if it is conducted over a period of one day or parts of it or over two consecutive days or parts of them.
 - (2) If a garage sale is conducted over a period of more than two consecutive days, then the number of garage sales shall be the quotient obtained by dividing the total number of consecutive days, or parts of them, on which the garage sale is conducted by two, rounded up to the nearest whole number.

§ 480-3. Property restrictions.

- A. No person shall sell personal property at a garage sale other than personal property that has actually been used on, about, or in connection with the residential premises or, in the case of a joint garage sale held with a neighbour, the residential premises of the neighbour.
- B. No person shall sell personal property at a garage sale that consists, either in whole or in part, of:
 - (1) Personal property left at a garage sale on a consignment basis; or
 - (2) Personal property acquired for the purpose of resale at the garage sale.

§ 480-4. Offences.

Any person who contravenes any provision of this chapter is guilty of an offence.

ENACTED AND PASSED this 25th day of May, A.D. 2006.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)