

Authority Executive Committee Item 22.5, adopted as amended,  
by City of Toronto Council on July 15, 16 and 17, 2008  
Enacted by Council: July 17, 2008

**CITY OF TORONTO**

**BY-LAW No. 852-2008**

**To amend City of Toronto Municipal Code Chapter 140, Lobbying, to simplify the registration requirements and make technical amendments.**

WHEREAS under § 169-29 of the Municipal Code the City Solicitor, in consultation with the City Clerk, may submit bills directly to Council to make technical amendments to the Municipal Code to correct technical errors; and

WHEREAS under sections 7 and 8 of the Act and the specific powers and restrictions respecting delegation in sections 20 to 24, the City may delegate its powers and duties under the Act to an officer or employee of the City, including administrative and quasi-judicial powers and legislative powers of a minor nature as provided in section 21;

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

**1. Chapter 140.**

Chapter 140, Lobbying, of The City of Toronto Municipal Code is amended as follows:

A. Section 140-1 is amended as follows:

- (1) The definition of “grass-roots communication” is deleted and the following substituted:

“GRASS-ROOTS COMMUNICATION:

- A. Appeals to members of the public through the mass media or by direct communication that seek to persuade members of the public to communicate directly with a public office holder in an attempt to place pressure on the public office holder to endorse a particular opinion.
- B. Without limiting Subsection A, includes appeals as described in Subsection A where the members of the public being targeted by the appeal are members of an organization or a special interest group or otherwise have a common or shared interest in a subject matter.”

- (2) The first line of the definition of “lobby” in § 140-1 is deleted and the following substituted:

“LOBBY — To communicate with a public office holder on any of the following subject matters:”

B. Section 140-3A(4) is amended by deleting the period after the second reference to “board” and “Subsection A(4) does not apply to a municipally-controlled corporation as defined in section 223.1 of the *Municipal Act, 2001* with necessary modifications for a municipality that is not located in Ontario.” and substituting the following:

“, but excluding a statutory body that is:

- (a) A municipally-controlled corporation as defined in section 223.1 of the *Municipal Act, 2001*; and
- (b) With necessary modifications, a similar municipally-controlled corporation for a municipality that is not located in Ontario.”

C. Section 140-4E is deleted and the following substituted:

“E. Subsection A does not apply if the not-for-profit corporation or other not-for-profit organization is communicating with public office holders with respect to a grant application, award or other financial benefit outside of the established administrative review, approval or appeal processes for the grant application, award or other financial benefit, and Article III must be complied with.

F. Despite Subsection E, on or after July 17, 2008, the registration requirement in Subsection E:

- (1) Continues to apply to a not-for-profit corporation or other not-for-profit organization described in Subsection B or C; and
- (2) Is suspended and does not apply to an organization referred to in Subsection C of the definition of organization in § 140-1 that is a not-for-profit community services sector organization.”

D. Section 140-5 is amended as follows:

(1) By deleting Subsections A and B and substituting the following:

“A. A communication that occurs as part of a meeting of Council, a local board (restricted definition), the Board of Health or their committees, for example:

- (1) A written communication that is filed with the meeting administrator (for example the City Clerk) before or during the meeting, and includes a communication received after the meeting that is processed for consideration at another meeting.
- (2) An oral communication to Council, a board or a committee that in the case of the City is usually referred to as a “deputation”.

- B. A communication on a subject matter that is submitted to or occurs during a public process related to the subject matter as follows:
- (1) A public meeting, hearing, consultation, presentation, open house or media event held or sponsored by the City, a local board (restricted definition), the Board of Health or a public office holder with respect to the subject matter.
  - (2) A public meeting, hearing, consultation, presentation, open house or media event that is part of the administrative review process with respect to an application or approval under § 140-5F.”
- (2) By amending Subsection F by deleting Subsections F(1) and (2) and substituting the following:
- “(1) With an employee of the City, a local board (restricted definition) or the Board of Health (including a City employee when working for a board), or a member of Council, a local board (restricted definition) or the Board of Health; if the communication is restricted to providing general information on an application, including a proposed or pending application, or to inquire about the application review process.
  - (2) With an employee of the City, a local board (restricted definition) or the Board of Health (including a City employee when working for a board), if the communication is for the purposes of filing an application or part of the administrative review process for an application.”
- (3) By deleting Subsection G and substituting the following:
- “G. Submitting a bid or proposal as part of the procurement process, and any communication with designated employees of the City, a local board (restricted definition) or the Board of Health (including a City employee when working as a designated employee for a board), as permitted in the procurement policies and procurement documents of the City, local board (restricted definition) or Board of Health.”
- E. Section 140-6A is amended by deleting the three occurrences of “council” and substituting in each case “Council”.
- F. By adding the following:
- “§ 140-10.1. Grass-roots communication exemption period.**
- A. If a lobbyist has registered an intention to lobby a public office holder by means of a grass-roots communication under § 140-15 or 140-22, the Registrar may approve an exemption period of not more than two weeks and shall specify the period in writing.

- B. The Registrar may approve extensions to the exemption period approved under Subsection A and each extension shall be not more than two weeks.
- C. Before approving an exemption period under Subsection A or an extension of an exemption period under Subsection B, the Registrar may require additional information on the proposed grass-roots communication as necessary to provide for additional transparency in the use of this communication technique.
- D. During the exemption period approved under Subsection A and any extension approved under Subsection B, communications with a public office holder by the members of the public targeted by the grass-roots communication do not have to be registered, if the communication is in support of the particular opinion in the grass-roots communication and is a direct result of the grass-roots communication.
- E. Except as provided in Subsection D, a member of the public must comply with the registration requirements of this chapter to communicate with a public office holder on a subject matter, unless the member of the public or the communication is otherwise exempt from the registration requirements.”
- G. Section 140-14 is amended as follows:
- (1) By renumbering Subsection A as B and Subsections B to C as D to E.
  - (2) By adding the following as new Subsection A:

“A. Under § 140-10 (Registration requirement), a consultant lobbyist must file a return with the Registrar and otherwise comply with the requirements of this article to communicate with a public office holder on a subject matter, unless the communication is otherwise exempt under Article I or II.”
  - (3) By deleting Subsection B(1) [renumbered Subsection A(1)] and substituting the following:

“(1) A return has been filed with the Registrar, including any required certification, declaration, acknowledgement and agreement and all the information required under § 140-15 other than the information required under § 140-15K, L and M;”
  - (4) By adding the following as new Subsection C:

“C. A consultant lobbyist shall register in his or her return the information required under § 140-15K, L and M not later than three business days after the consultant lobbyist has lobbied a public office holder.”
  - (5) By amending Subsection D [renumbered Subsection B] by deleting “Subsection A” and substituting “Subsection B”.

H. Section 140-15 is amended as follows:

(1) Subsection K is amended by deleting “or expects to lobby”.

(2) Subsection L is amended by deleting “or expects to lobby”.

(3) By deleting Subsection M and substituting the following:

“M. The techniques of communication that the consultant lobbyist has used to lobby a public office holder identified in the return under Subsection K or L, the date of the communication and the subject matter of the lobbying.”

(4) By renumbering Subsections N to Q as O to R.

(5) By adding the following as new Subsection N:

“N. Particulars of any proposed grass-roots communication to be used, for example: the format, time period and public office holder to be lobbied and a description of the members of the public who are the target of the appeal.”

(6) By amending Subsection P [renumbered Subsection O] as follows:

(a) By amending Subsection P(2):

[1] By deleting “§ 140-14A” and substituting “§ 140-14B”.

[2] By deleting “§ 140-14C” and substituting “§ 140-14E”.

(b) By amending Subsection P(3) by deleting “§ 140-14C” and substituting “§ 140-14E”.

I. Section 140-17 is amended by deleting “two” and substituting “three”.

J. Section 140-21 is amended as follows:

(1) By renumbering Subsections A and B as B and C and Subsections C to E as E to G.

(2) By adding a new Subsection A as follows:

“A. Under § 140-10 (Registration requirement), the senior officer must file a return with the Registrar and otherwise comply with the requirements of this article for an in-house lobbyist to communicate with a public office holder on a subject matter, unless the communication is otherwise exempt under Article I or III.”

- (3) Subsection B [renumbered Subsection A] is amended by deleting the first two lines before Subsection B(1) and substituting the following:
- “B. The senior officer shall file a return with the Registrar, including any required certification, declaration, acknowledgement and agreement and all the information required under § 140-22 other than the information required under § 140-22N, O and P, or, if applicable, amend a return already filed with the Registrar, before.”
- (4) By deleting Subsection C(1) [renumbered Subsection B(1)] and substituting the following:
- “(1) A return has been filed with the Registrar, including any required certification, declaration, acknowledgement and agreement and all the information required under § 140-22 other than the information required under § 140-22N, O and P, or, if applicable, amend a return already filed with the Registrar;”
- (5) By adding the following as new Subsection D:
- “D. The senior office holder shall register in the return the information required under § 140-22N, O and P not later than three business days after an in-house lobbyist has lobbied a public office holder.”
- (6) By amending Subsection E [renumbered Subsection C] by deleting “Subsection A” and substituting “Subsection B”.

K. Section 140-22 is amended as follows:

- (1) Subsection K is amended by deleting “§ 140-21D” and substituting “§ 140-21F”.
- (2) Subsection L is amended by deleting “The subject matters” and substituting “Each subject matter”.
- (3) Subsection N is amended by deleting “or expects to lobby”.
- (4) Subsection O is amended by deleting “or expects to lobby”.
- (5) By deleting Subsection P and substituting the following:
- “P. The techniques of communication that the in-house lobbyist has used to lobby a public office holder identified in the return under Subsection N or O, the date of the communication and the subject matter of the lobbying, during the fiscal year of the employer in which the return is filed or, if the employer does not have a fiscal year, during the calendar year in which the return is filed.”
- (6) By renumbering Subsections Q to T as R to U.

- (7) By adding the following as new Subsection Q:
- “Q. Particulars of any proposed grass-roots communication to be used, for example: the format, time period and public office holder to be lobbied and a description of the members of the public who are the target of the appeal.”
- (8) By amending Subsection S [renumbered Subsection R] as follows:
- (a) By amending Subsection S(2):
- [1] By deleting “§ 140-21A” and substituting “§ 140-21B”.
- [2] By deleting “§ 140-21D” and substituting “§ 140-21F”.
- (b) By amending Subsection S(3) by deleting “§ 140-21D” and substituting “§ 140-21F”.
- L. Section 140-24 is amended by deleting “two” and substituting “three”.
- M. Section 140-28 is amended as follows:
- (1) By renumbering Subsections A to F as B to G.
- (2) By adding the following as a new Subsection A:
- “A. Under § 140-10 (Registration requirement):
- (1) If Subsection C applies, a voluntary unpaid lobbyist must file a return with the Registrar and otherwise comply with the requirements of this article to communicate with a public office holder on a subject matter, unless the communication is otherwise exempt under Article I or II.
- (2) If Subsection E applies, the senior officer must file a return with the Registrar and otherwise comply with the requirements of this article for a voluntary unpaid lobbyist to communicate with a public office holder on a subject matter, unless the communication is otherwise exempt under Article I or III.”
- (3) Subsection F [renumbered Subsection E] is amended by deleting “Subsection D” and substituting “Subsection E”.
- (4) Subsection G [renumbered Subsection F] is amended:
- (a) By deleting “Subsection D” and substituting “Subsection E”.
- (b) By deleting “Subsection A” and substituting “Subsection B”.

N. Schedule B is amended as follows:

- (1) Item D of Schedule B is amended, by deleting “Local 2298” and substituting “Local 2998”.
- (2) Item E is amended by deleting “parking employees” and substituting “Exhibition Place”.

**2. Deemed in force date, application and transition.**

- A. The provisions of Municipal Code Chapter 140, Lobbying, as enacted or amended by § 1A, F, G, H I, J, K, L and M of this by-law, which provisions implement a simplified registration process, are deemed to have come into force on July 7, 2008, and apply to communications by a lobbyist with a public office holder on a subject matter that occur on or after July 7, 2008.
- B. Despite Subsection A, the Lobbyist Registrar may permit such exceptions from the registration requirements, for example, additional time to file information, as the Registrar considers necessary to implement the new system, in cases where a lobbyist or senior officer was unable to register information as required under the simplified registration process, as a result of a temporary closure of the registry to make the system changes required to implement the simplified registration process.

ENACTED AND PASSED this 17th day of July, A.D. 2008.

SANDRA BUSSIN,  
Speaker

ULLI S. WATKISS  
City Clerk

(Corporate Seal)