

Authority: Executive Committee Item 10.2, adopted as amended, by City of Toronto Council on September 26 and 27, 2011 and Section 169-26B of City of Toronto Municipal Code Chapter 169, Officials, City
Enacted by Council: September 27, 2011

CITY OF TORONTO

BY-LAW No. 1174-2011

To amend City of Toronto Municipal Code Chapter 441, Fees and Charges, and other Municipal Code Chapters to implement the User Fee Review Report and to clean up references to Chapter 441 in other Municipal Code Chapters.

WHEREAS City Council has enacted City of Toronto Municipal Code Chapter 441, Fees and Charges, and Chapter 442, Fees and Charges, Administration of, as the City's user fee by-laws, which by-laws list the City's user fees and set out how the City's user fees are administered; and

WHEREAS § 441-3 of Chapter 441, Fees and Charges, requires amendment to reflect the introduction of the Harmonized Sales Tax in Ontario; and

WHEREAS certain references to Schedules of Chapter 441, Fees and Charges contained in Chapters 442, Fees and Charges, Administration of, Chapter 363, Building, Construction and Demolition, Chapter 667, Residential Rental Property Demolition and Conversion Control, and Chapter 813, Trees, require amendment to correctly identify the current Schedule of Chapter 441 to which they refer; and

WHEREAS section 263 of the *City of Toronto Act, 2006* (the "Act") provides that the City may pass a by-law providing that a by-law or resolution of a local board (extended definition) of the City which is not a local board (extended definition) of any other municipality imposing fees or charges under Part IX of the Act does not come into force until the City passes a resolution approving the by-law or resolution of the local board; and

WHEREAS at its meeting on September 26 and 27, 2011, City Council authorized the adoption of a by-law under section 263 of the Act, and directed that the relationship frameworks with local boards be amended to reflect the adoption of such a by-law; and

WHEREAS at its meeting on September 26 and 27, 2011, City Council also delegated authority to the Deputy City Manager and Chief Financial Officer to annually determine the automatic annually inflationary adjustment to be applied to each user fee for which Council has approved such an automatic annual inflationary adjustment, in accordance with the City's User Fee Policy adopted by City Council at the same meeting; and

WHEREAS it is necessary to amend City of Toronto Municipal Code Chapter 63, Exhibition Place, Governance, Chapter 179, Toronto Parking Authority, Chapter 441, Fees and Charges, Chapter 442, Fees and Charges, Administration of, Chapter 363, Building, Construction and Demolition, Chapter 667, Residential Rental Property Demolition and Conversion Control, Chapter 813, Trees, and Chapter 950, Traffic and Parking, to reflect all of the above;

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

1. City of Toronto Municipal Code Chapter 441, Fees and Charges, be amended as follows:

- (1) By deleting the definition of ACT from § 441-1.
- (2) By adding the following definitions to § 441-1:

ACT — The *City of Toronto Act, 2006*.

CITY'S USER FEE POLICY — A user fee policy adopted by City Council from time to time.

LOCAL BOARD (EXTENDED DEFINITION) — Has the same meaning as in section 258 of the Act with the exception of excluding the Toronto Transit Commission.

- (3) By amending § 441-3 by deleting the words "provincial sales tax ("PST") and goods and services tax ("GST"), and will be subject to PST and GST where applicable" and substituting the words "harmonized sales tax ("HST") and goods and services tax ("GST"), and will be subject to HST and GST where applicable".
- (4) By deleting § 441-4 and substituting the following:

"§ 441-4. Annual Adjustment.

- A. All fees for which an annual adjustment is indicated in Column V of the Appendices to this chapter shall be adjusted annually, effective January 1, by an annual adjustment specific to each fee determined in accordance with Subsection B.
- B. The annual adjustment shall be determined annually for the upcoming calendar year by the Deputy City Manager and Chief Financial Officer in accordance with the City's User Fee Policy, and authority is delegated to the Deputy City Manager and Chief Financial Officer to determine the annual adjustment specific to each fee.

- (5) By adding the following section § 441-11:

"§ 441-11. Local Boards (Extended Definition).

- A. A by-law or resolution of a local board (extended definition) of the City which is not a local board (extended definition) of any other municipality, imposing fees or charges under Part IX of the Act does not come into force until the City passes a resolution approving the by-law or resolution of the local board (extended definition).

- B. A condition of City Council's approval under subsection A is compliance by the local board (extended definition) with the City's user fee policy.
 - C. To the extent of any conflict between this section and any other chapter of The City of Toronto Municipal Code, any other City by-law, or any by-law of any of the former municipalities, this section will prevail.
 - D. This chapter applies with necessary modifications to each local board (extended definition).
- 2.** City of Toronto Municipal Code Chapter 442, Fees and Charges, Administration of, be amended as follows:
- (1) By amending § 442-3 and § 442-4 by deleting "Schedule 12" wherever it appears and substituting "Schedule 10";
 - (2) By amending § 442-6 by deleting "Schedule 15" wherever it appears and substituting "Schedule 12";
 - (3) By amending § 442-8 by deleting "Schedule 9" wherever it appears and substituting "Schedule 8";
 - (4) By amending § 442-9 by deleting "Schedule 16" wherever it appears and substituting "Schedule 13";
 - (5) By amending § 442-11 by deleting "Schedule 15" wherever it appears and substituting "Schedule 12"; and
 - (6) By deleting § 442-9D and § 442-14.
- 3.** City of Toronto Municipal Code Chapter 63, Exhibition Place, Governance, be amended as follows:
- (1) By amending § 63-4D by adding the words ", subject to § 63-6, to" before the words "set fees and charges for use of facilities".
 - (2) By amending § 63-6 by adding the following:
 - "I. Any fees or charges."
- 4.** City of Toronto Municipal Code Chapter 179, Parking Authority, be amended as follows:
- (1) By renumbering the current § 179-7D as § 179-7D(1), and adding the words "Subject to subsection (2)," to the beginning of the section.

- (2) By adding the following as § 179-7D(2):
- "(2) A resolution of the Parking Authority imposing fees or charges does not come into force until the City passes a resolution approving the fees or charges.
- (3) By deleting § 179-7E(1) and by renumbering § 179-7E(2), (3) and (4) as § 179-7E(1), (2) and (3).
- 5.** City of Toronto Municipal Code Chapter 950, Traffic and Parking, be amended as follows:
- (1) By renumbering the current § 950-601D as § 950-601D(1), and adding the words "Subject to subsection (2)," to the beginning of the section.
- (2) By adding the following as § 950-601D(2):
- "(2) A resolution of the Parking Authority imposing fees or charges does not come into force until the City passes a resolution approving the fees or charges."
- (3) By amending § 950-601F(1) and § 950-601G(1) by adding the words "and approved by City Council" after the words "as prescribed by the Parking Authority" and before the words "under § 950-601D".
- 6.** City of Toronto Municipal Code Chapter 363, Building, Construction and Demolition, be amended by deleting "Schedule 15" from § 363-24B(12) and substituting "Schedule 8".
- 7.** City of Toronto Municipal Code Chapter 667, Residential Rental Property Demolition and Conversion Control be amended by deleting "Schedule 16" from § 667-8 and substituting "Schedule 13".
- 8.** City of Toronto Municipal Code Chapter 813, Trees be amended by deleting "Schedule 8" from § 813-12 and substituting "Schedule 7".
- 9.** The existing Relationship Frameworks for local boards affected by the amendments made by this By-law, are hereby deemed to be amended as necessary to render them consistent with these amendments.

ENACTED AND PASSED this 27th day of September, A.D. 2011.

FRANCES NUNZIATA,
Speaker

ULLI S. WATKISS,
City Clerk

(Corporate Seal)