

Licensing and Standards Committee

Meeting No. 7
Meeting Date Tuesday, September 11, 2007
Start Time 9:30 AM
Location Committee Room 1, City Hall

Contact Linda Reid, Acting Administrator
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Councillor Howard Moscoe (Chair)	Councillor Sandra Bussin	Councillor Rob Ford
Councillor Denzil Minnan-Wong (Vice Chair)	Councillor Mike Del Grande	Councillor Anthony Perruzza

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Declarations of Interest under the Municipal Conflict of Interest Act

Speakers/Presentations

Confirmation of Minutes: June 29, 2007

Communications/Reports

(Deferred from June 29, 2007 - 2007.LS6.3)

LS7.1	ACTION			Ward: All
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Confidentiality of Legal Actions taken by Municipal Licensing and Standards Staff

(May 25, 2007) Report from Executive Director, Municipal Licensing and Standards

Financial Impact

This report will have no financial impact beyond what has already been approved in the current year's budget.

Summary

Generally, the public is entitled to any information that will not compromise the Municipal Licensing and Standards Division (ML&S) investigation and when disclosure is not prohibited under Municipal Freedom of Information and Protection of Privacy Act, (MFIPPA).

City staff engaged in law enforcement investigations are provincial offences officers. Requests for and disclosure of enforcement information should not infringe their independence and discretion as it relates to investigations and potential legal actions.

A large number of records maintained by the ML&S, that do not contain confidential information, are publicly available and should be available to the public whether it is routinely disclosed, actively disseminated or otherwise. This includes information and documentation such as inquiries to confirm the license status of a business, general inquiries on regulations, standards related to by-laws and materials presented to Committee and stakeholders. Additionally, Notices or Orders to Comply and information on the status of legal actions may be released to the public, provided that the information is duly reviewed to ensure compliance with MFIPPA.

Routine disclosure of information is the preferred method of granting access to information held by ML&S. ML&S is in the process of finalizing a routine disclosure plan to provide easier access to information.

This report was prepared in consultation with Legal Services and Corporate Access and Privacy (CAP) Office.

Background Information

Confidentiality of Legal Actions taken by Municipal Licensing and Standards Staff
<http://www.toronto.ca/legdocs/mmis/2007/ls/bgrd/backgroundfile-6397.pdf>

LS7.2	ACTION	9:30 AM		Ward: All
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Amendments To Fireworks By-law and Permit Requirements

Public Notice

(August 27, 2007) Report from Toronto Fire Services

Recommendations

Toronto Fire Services recommends that:

1. The permit fees under the new fireworks by-law be set at \$1,500.00 per year to permit Temporary Fireworks Vendors, Temporary Lease Fireworks Vendors and Mobile Fireworks Vendors respectively to sell Family Fireworks only on Canada Day and the seven-day period before Canada Day and on Victoria Day and the seven-day period before Victoria Day.
2. Toronto Fire Services complete all inspections for Permanent, Temporary Lease, Mobile and Temporary Fireworks Vendors (including Temporary Fireworks Vendors that have a valid business license issued by the City).
3. The Executive Director of Municipal Licensing and Standards and the Fire Chief of Toronto Fire Services convene an inter-agency working group with representatives of the Toronto Police Service, the Security Division of the Toronto Community Housing Corporation, and the Security Divisions of both the Toronto District School Board and the Toronto Catholic District School Board to assist with the safe use of fireworks and increase coordination of enforcement of the new fireworks by-law, once in effect.
4. Where appropriate, City staff seek the maximum fine under the Provincial Offences Act for the following offences under the new fireworks by-law, once in effect: sale of fireworks without a valid permit, sale of fireworks to any person under age 18 and sale of firecrackers.
5. One year after the fireworks by-law comes into force on January 1, 2008, Toronto Fire Services review and report to the Licensing and Standards Committee on fireworks incidents that took place during the first year the new fireworks by-law was in force.
6. One year after the fireworks by-law comes into force on January 1, 2008, Toronto Fire Services report to the Licensing and Standards Committee on the amount of fireworks permit revenue and any budget implications associated with the administration and enforcement of the fireworks by-law.
7. The appropriate City staff be authorized and directed to implement the recommendations in this report.

Financial Impact

The proposed increases to the permit fees for the sale of fireworks as a result of the proposed

amendments to the fireworks by-law are as follows:

Permit Type	Proposed Annual Fee	Projected Volume (annually)	Total Projected Recovery	Changed
Permanent Fireworks Vendor	\$2,500.00	6	\$15,000.00	No
Temporary Lease Fireworks Vendor	\$1,500.00	20	\$30,000.00	Yes – from \$500/year to \$1,500/year
Temporary Mobile Fireworks Vendor	\$1,500.00	6	\$9,000.00	Yes - from \$500/year to \$1,500/year
Temporary Fireworks Vendor (i.e. convenience stores) that store and sell no more than 25 kg. net explosive quantity of fireworks and have a valid business license from the City)	\$1,500.00	unknown	unknown	Yes — from \$0 to \$1,500/year
Temporary Fireworks Vendor (i.e. convenience stores) that (i) store and sell more than 25 kg. net explosive quantity of fireworks (ii) Temporary Fireworks Vendors that do not have a business license from the City (regardless of quantity of fireworks sold)	\$1,500.00	unknown	unknown	Yes – from \$500/year to \$1,500/year
Temporary Lease Fireworks Vendor Temporary Mobile Fireworks Vendor – Relocation fee	\$100.00 per relocation	unknown	unknown	No
Special Occasions Discharge Permit	\$25.00 per permit	unknown	unknown	No

The proposed amendments to the fireworks by-law, if approved by Council, would require all Temporary Fireworks Vendors to obtain a Temporary Fireworks Vendor's Permit at a cost of \$1,500.00 per year.

The proposed amendments, if approved by Council, would also increase vendors' permit fees for Temporary Lease and Temporary Mobile Fireworks vendors from \$500.00 per year to \$1,500.00 per year with a resulting increase in projected annual permit revenue of \$20,000.00 and \$6,000.00 respectively, based on the projected annual volume noted above.

As indicated in Toronto Fire Services' previous report on the new proposed fireworks by-law, the Municipal Licensing and Standards Division will recover \$210.00 per permit to cover its costs of processing permit applications with the remainder of the cost of the permit fees covering Fire Services' inspection and other enforcement costs and public education costs.

Without a history to determine how many convenience store owners or other Temporary Fireworks Vendors will apply for a Temporary Fireworks Vendor's Permit, Toronto Fire Services and

Municipal Licensing and Standards will each track revenue and costs associated with the licensing and inspections under the new fireworks by-law, once in effect, separately in their respective operating accounts. Permit fees collected in any one year, after Toronto Fire Services recovers its costs incurred in that year, will be allocated to the Fire Services Public Education Reserve Fund - account XR4205. Any net costs will be recovered by a draw down from the same reserve fund resulting in a net zero expenditure at year-end.

Once Municipal Licensing and Standards and Toronto Fire Services have a reliable indication of the resources required to administer and enforce the new fireworks by-law, the associated costs and revenue will be set out in each division's subsequent operating budget submission.

The Deputy City Manager and Chief Financial Officer has reviewed this report and agrees with the financial impact information.

Summary

Council authorized a new harmonized fireworks by-law at its meeting held on April 23 and 24, 2007. Council later reopened this by-law to request consultation with the pyrotechnics industry regarding the possibility of increasing certain fireworks vendors' permit fees. This report seeks Council's authorization to increase permit fees for vendors that sell Family Fireworks on a temporary basis as set out in this report. This will provide Toronto Fire Services with resources to administer and enforce the fireworks by-law, and assist in promoting public safety in respect of the use and sale of fireworks.

Background Information

Amendments To Fireworks By-law and Permit Requirements
<http://www.toronto.ca/legdocs/mmis/2007/ls/bgrd/backgroundfile-6408.pdf>

LS7.3	ACTION	10:30 AM		Ward: All
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Imposing License Requirements on Airport Limousines and Taxis

Public Notice

(August 27, 2007) Report from the Executive Director, Municipal Licensing and Standards

Recommendations

The Executive Director, Municipal Licensing and Standards Division recommends that:

1. By-law No. 435-2007, as amended, be repealed.
2. The Executive Director, Municipal Licensing and Standards Division, and the General Manager, Economic Development, Culture and Tourism Division, undertake the necessary study for the purpose of developing a strategic policy framework for transportation services for the travelling public going to or arriving at the Lester B. Pearson Airport and report to Committee in November 2007. The study would require further consultation with the Toronto taxi and limousine industry, appropriate City

Divisions, the Greater Toronto Airport Authority, the Provincial government, the Federal government, the Greater Toronto Transportation Authority, municipalities adjacent to the City of Toronto and other stakeholders regarding the service.

3. Chapter 545, Licensing, of the City of Toronto Municipal Code be amended to provide for a flat rate fare for Toronto licensed taxicabs and limousines for trips originating within the City of Toronto and ending at Lester B. Pearson International Airport, the fare to be equivalent to the tariff rates set by the Greater Toronto Airport Authority for their licensed taxicabs and limousines for similar trips.
4. The City Solicitor be directed to prepare the necessary bill to give effect to the recommendations from this report, as adopted by Council.
5. City staff be authorized and directed to take any other action necessary to implement the recommendations from this report, as adopted by Council.

Financial Impact

There are no financial impacts arising from this report beyond what has already been approved in the current year's budget.

Summary

As directed by Council, Staff of Municipal Licensing and Standards (ML&S) Division together with representatives from Legal Services, and Economic Development, Culture and Tourism Division met with representatives from the Greater Toronto Airport Authority (GTAA), the City of Mississauga, and the Town of Markham to discuss issues arising from the continued operations of taxis and limousines with permits issued by the GTAA (“Airport Taxis/Limos”) picking up passengers in the City of Toronto.

In all of the staff discussions with interested parties, the City has emphasized that the following principles form the basis of the discussions and any proposed changes to the City’s licensing requirements:

- Ensuring consumer protection/health & safety for Toronto citizens, businesses and visitors and ensuring appropriate customer service to the public. The level and quality of service being provided to passengers of taxis or limousines in the City is an important consideration for the City in terms of consumer protection and the promotion of the City as a desirable place to visit or do business;
- Maintaining the viability and integrity of the Toronto taxi and limousine services as an essential component of the City’s drive to continuously improve customer service and consumer protection;
- Maintaining the City’s reputation with the travelling public arriving at Lester B. Pearson International Airport (the “Airport”) given that negative experiences with ground transportation may be viewed by the traveller as a reflection on “Toronto” and not the Airport, per se; and,
- Continuing the City’s efforts in environmental stewardship.

The staff discussions have resulted in a number of options being identified though establishing an open system for the Toronto taxi and limousine industry is not one of them. Overall, however, the discussions have been positive and a climate of cooperation to finding a solution to the current problem of airport taxis and limousines unlicensed by the City picking up passengers in the City that meets the guiding principles has been established; however, additional work is required.

Staff recommends, among other things, that By-law No. 435-2007, as amended, which deleted the airport exemption in the City of Toronto Municipal Code be repealed pending a complete study of the issue by the City. The outcomes of the study and a strategic policy framework be reported to Committee in November 2007.

Applications to quash By-law No. 435-2007 have been brought by the Airport Taxicab (Pearson Airport) Association and the Airport Limousine Operators Association. A separate report has been submitted by the City Solicitor regarding these applications.

Background Information

Imposing License Requirements on Airport Limousines and Taxis
<http://www.toronto.ca/legdocs/mmis/2007/ls/bgrd/backgroundfile-6409.pdf>

LS7.4	ACTION			Ward: All
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Proactive Inspections of Toronto Community Housing Corporation (TCHC) Units Citywide - Expansion of Pilot Project

(July 25, 2007) Member Motion from Councillor Palacio, seconded by Councillor Moscoe

Recommendations

1. That the Executive Director, Municipal Licensing and Standards, undertake a unit-by-unit inspection of at least ten of the worst buildings in the TCHC portfolio and issue appropriate Orders to Comply, and that a summary of these investigations be reported to the Licensing and Standards Committee as soon as possible.

Summary

City Council on July 16, 17, 18 and 19, 2007, referred the following Motion to the Licensing and Standards Committee:

A recent Toronto Star report identified a Toronto Community Housing Corporation (TCHC) building as having the most outstanding work orders of any building in the entire City of Toronto. This should be a huge embarrassment for the City of Toronto.

The City should set the bar high in terms of property standards for our own buildings because when we poorly maintain our own buildings, to a standard below even what our own By-laws allow, we lose any moral authority to enforce essential property standards and set a terrible example. This bad example often brings down the neighbourhoods surrounding these

developments. City Council has an extra duty to ensure that property standards are high for TCHC tenants, as many are Toronto's most vulnerable citizens.

In 2005, a successful pilot project was conducted in the two TCHC buildings located within Ward 17. Through this pilot, over 300 Orders to Comply were issued that resulted in dramatically improved conditions for the tenants who live there. This approach proved much more successful than simply relying on TCHC inspections which did not investigate property standards and merely looked at matters such as fire safety.

A comprehensive inspection will only serve to help quantify the extent of disrepair that the City of Toronto inherited from the Provincial government and help to make the case for upgrading.

Although there is clearly good faith on the part of TCHC, the actual results have failed tenants. The City of Toronto, through Municipal Licensing and Standards, has a moral and legal obligation to intervene. Although it is tempting to, we cannot give City-owned agencies preferential treatment when it comes at the expense of the health and safety of tenants and our most vulnerable citizens and City By-laws are being contravened.

Background Information

Proactive Inspections of Toronto Community Housing Corporation (TCHC) Units Citywide - Expansion of Pilot Project

<http://www.toronto.ca/legdocs/mmis/2007/ls/bgrd/backgroundfile-6410.pdf>

LS7.5	ACTION			Ward: All
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Safer Pool Fencing

(June 26, 2007) Member Motion from Councillor Davis, seconded by Councillor Perks

Recommendations

1. The Chief Building Official, in consultation with the Executive Director of Municipal Licensing and Standards, report to the Licensing and Standards Committee at its September 11, 2007 meeting on possible amendments to City of Toronto Municipal Code Chapter 447-3 to improve the safety of private swimming pools in the City of Toronto, in particular, the report consider the Safe Kids Canada recommendation to require a minimum 1.2m high, four-sided pool fence with a self-closing and self-latching gate that completely encloses the swimming pool and restricts access to children.

Summary

Drowning is the second leading cause of injury-related death of Canadian children ages 1 to 4. An estimated 58 children, age 14 and under drown each year in Canada, while another 140 are hospitalized for near-drowning.

Since swimming pools are involved in nearly half of all drowning and near-drowning incidents

for children under 14 years of age, measures must be taken to reduce drowning in these environments. Many drowning deaths happen in private homes with unfenced or inadequately fenced swimming pools and spas. In most drowning cases, the pools (95%) have inadequate safety gates.

Drowning of young children often occurs when the child is walking or playing near water, not when they are swimming or intending to go in the water. Most happen when the child gets near water during a momentary lapse in adult supervision.

Safer pool fencing can prevent severe disability and death of young children as a result of unintentional drowning. Researchers estimate that safer pool fencing could prevent 7 out of 10 pool drowning incidents for children under five.

The City of Toronto Municipal Code Chapter 447-3 currently requires that every owner of a swimming pool erect and maintain a swimming pool enclosure that completely encloses the area in which the pool is located. However, it does not specifically require four-sided pool fencing around home pools in the City of Toronto. As such, pool owners can erect property (three-sided) fencing, which demarcates property lines, as the fence that also encloses their home pool.

This kind of property fencing does not protect children living in or visiting the home with the pool, as a young child can access the pool area through the back door—this often happens during a momentary lapse in adult supervision.

What is needed is four-sided pool fencing with a self-closing and self-latching gate, which completely encloses the pool, blocking unsupervised access from neighbouring children as well as children living in or visiting the house. When properly installed at all access points, self closing and self-latching gates will prevent unsupervised access into the pool area by automatically closing and latching after use.

Municipal Code Chapter 447-3 is inadequate for protecting all unsupervised access to home swimming pools in the City of Toronto. The lack of safer pool fencing in the City of Toronto increases the risk of unintentional drowning in home pools, especially for children under the age of five years.

Background Information

Safer Pool Fencing

<http://www.toronto.ca/legdocs/mmis/2007/ls/bgrd/backgroundfile-6411.pdf>

LS7.6	ACTION			Ward: All
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Window Safety Devices

(June 26, 2007) Member Motion from Councillor Davis, seconded by Councillor Moscoe

Recommendations

1. Toronto City Council direct the Executive Director of Municipal Licensing and Standards to mount an aggressive window safety campaign in an effort to prevent another tragedy like this one, including translating and distributing flyers to tenants, landlords, and family-serving agencies; public ads in areas with a high proportion of rental buildings; and working with partner organizations such as the Federation of Metro Tenants Associations to educate landlords and the public about this safety measure.
2. The Executive Direction of Municipal Licensing and Standards report back to the Licensing and Standards Committee meeting on September 11, 2007, with a city-wide assessment of the level of compliance with the requirement to install window safety devices, and options and recommendations for improving compliance, including education, enforcement, and other program options.

Summary

City Council on June 19, 20 and 22, 2007, referred the following Motion to the Licensing and Standards Committee:

City of Toronto property standards require landlords to install window safety devices on windows more than 2 metres off the ground in multi-residential buildings. These safety devices prevent windows from opening more than 10 cm, and protect children from falling out of open windows.

On June 3, 2007, an 18-month old child fell 28 storeys to the ground from a high-rise apartment building. The child fell through an open window that did not have a safety device installed.

A follow-up investigation of the building revealed that many windows lacked the window safety devices. Enforcement of the requirement to install window safety devices is enforced by City of Toronto Municipal Licensing and Standards, which is often challenging because tenants remove the devices in order to get more air.

As the heat of the summer approaches, and windows in apartment buildings are left open for air, now is the time to ensure that tenants and landlords are aware of the safety hazards of windows left open and the requirement for safety devices to be installed.

Background Information

Window Safety Devices

(<http://www.toronto.ca/legdocs/mmis/2007/ls/bgrd/backgroundfile-6412.pdf>)

LS7.7	ACTION			Ward: All
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Nightclubs - Better Regulation and Enforcement of By-laws

(August 12, 2007) Letter from Councillor Vaughan, Ward 20 - Trinity-Spadina

Summary

Letter from Councillor Vaughan requesting that staff study and report to committee on the idea that would preclude businesses that operate as restaurants during the lunch from being licensed as nightclubs since they are operating during the day.

Background Information

Nightclubs - Better Regulation and Enforcement of By-laws
<http://www.toronto.ca/legdocs/mmis/2007/ls/bgrd/backgroundfile-6413.pdf>

LS7.8	ACTION			Ward: All
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Marijuana Grow Operations - Enforcement Cost Recovery By-law

(August 24, 2007) Report from City Solicitor

Recommendations

The City Solicitor recommends that:

- (1) City Council enact by-laws in substantially the form attached as Attachments 1 and 2 to this report so as to establish a new Municipal Code Chapter 565, Marijuana Grow Operations, and amend Chapter 441, Fees, to include a schedule of charges in respect of enforcement costs, subject to such further stylistic or technical changes as may be required by the City Solicitor.
- (2) City Council direct that the City Solicitor apply to the Ministry of the Attorney-General for Ontario to obtain the maximum set fine available (i.e. \$500) in respect of violations of the new Municipal Code Chapter.
- (3) The appropriate City officials be authorized to take whatever action may be required in order to implement the recommendations in this report.

Financial Impact

It is expected that the cost recovery measures outlined in this report will have a positive financial impact on the agencies and divisions involved to the extent that enforcement charges are successfully collected.

Summary

This report has been prepared as directed by city council to report on a form of draft by-law for the recovery of enforcement costs specifically incurred by City agencies and divisions in respect of properties which have been identified as having contained a marijuana grow operation.

This report recommends that Council adopt two draft by-laws. The first recommended by-law establishes new offences in respect of causing, allowing or permitting a property to be used for the purposes of a marijuana grow operation. The second by-law amends Municipal Code

Chapter 441, Fees, to add a schedule of enforcement charges for the purpose of recovering costs incurred by City agencies and divisions in respect of enforcement activities undertaken as a result of the premises having contained a marijuana grow operation.

This report has been prepared in consultation with staff of the City Manager's Office, Toronto Police Service, Fire Services, Toronto Public Health, Toronto Building and Municipal Licensing & Standards, and those agencies and divisions are in agreement with the recommendations below.

Background Information

Marijuana Grow Operations - Enforcement Cost Recovery By-law
(<http://www.toronto.ca/legdocs/mmis/2007/ls/bgrd/backgroundfile-6407.pdf>)