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## Licensing and Standards Committee

<b>Meeting No.</b>	8	<b>Contact</b>	Dela Ting, Acting Administrator
<b>Meeting Date</b>	Friday, November 2, 2007	<b>Phone</b>	416-397-7769
<b>Start Time</b>	9:30 AM	<b>E-mail</b>	lsc@toronto.ca
<b>Location</b>	Committee Room 1, City Hall		

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### Licensing and Standards Committee

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:** A complete list will be distributed at the meeting

**Confirmation of Minutes:** September 11, 2007

**Communications/Reports****(Deferred from September 11, 2007 - 2007.LS7.7)**

<b>LS8.1</b>	ACTION			Wards: 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**

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

**Background Information**

2007-11-02-ls-8-1

<http://www.toronto.ca/legdocs/mmis/2007/ls/bgrd/backgroundfile-7184.pdf>

<b>LS8.2</b>	Information			Wards: 2, 8
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**Pay for Parking at Various Multi-Residential Rental Properties**

(September 19, 2007) Report from Executive Director, Municipal Licensing and Standards

**Summary**

The purpose of this report is to determine whether landlords at the following multi-residential rental properties can legitimately charge visitors to park in their premises:

- a. 20 Broadoaks Drive
- b. 25 Broadoaks Drive
- c. 11 Catford Road
- d. Townhomes on Flax Gardenway
- e. 5000 Jane Street
- f. 3710 Keele Street
- g. Townhomes on Red Cedarway
- h. 4001 Steeles Avenue
- i. 2 Armel Court

## j. 60 Ester Lorrie Drive

There were eight addresses located in the North York District and subject to the former North York Zoning By-law.

The North York Zoning By-law prohibits landlords from charging for visitor parking. There were two addresses identified that are located in the Etobicoke York District and subject to the former Etobicoke Zoning by-law.

There are no prohibitions in the Etobicoke Zoning By-law against charging fees for visitor parking spaces.

### Background Information

2007-11-02-ls8-2

(<http://www.toronto.ca/legdocs/mmis/2007/ls/bgrd/backgroundfile-7874.pdf>)

LS8.3	ACTION			Wards: All
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### Review of Applications to be Included in the City's List of Approved Professional Holistic Associations

#### Public Notice

(September 19, 2007) Report from Executive Director, Municipal Licensing and Standards

#### Recommendations

1. The following three holistic associations be included in Toronto Municipal Code Chapter 545, Licensing, Appendix L, and that these associations be recognized as Professional Holistic Associations for the purposes of licensing holistic practitioners and owners:
  - a. Ontario Natural Therapists Certification Program (ONTCP)
  - b. Reflexology Association of Canada
  - c. Ontario Osteopathic and Alternative Medicine Association
2. The City Solicitor be directed to prepare the necessary bill to give effect to the recommendations in this report, effective immediately; and,
3. All other appropriate City officials be authorized and directed to take the necessary actions to give effect thereto.

Public notice has been given in a manner prescribed in the Toronto Municipal Code Chapter 162, Notice, Public.

## Summary

To recommend to the Licensing and Standards Committee an additional list of Professional Holistic Associations that meet the City of Toronto's criteria with respect to the licensing of holistic practitioners.

Staff received applications from the following holistic associations: the Ontario Natural Therapists Certification Program (ONTCP), the Reflexology Association of Canada and the Ontario Osteopathic and Alternative Medicine Association. The associations were evaluated on three main criteria: (a) Governance; (b) Membership and Membership Services; and, (c) Ethics and Discipline.

Based on the submitted applications, all three associations adequately meet the criteria to be included in Toronto Municipal Code Chapter 545, Licensing, Appendix L, as Professional Holistic Associations.

## Background Information

2007-11-02-Is8-3

(<http://www.toronto.ca/legdocs/mmis/2007/ls/bgrd/backgroundfile-7878.pdf>)

LS8.4	ACTION			Wards: All
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## City Council Initiate Enforcement Action Under Chapter 485, Graffiti, Against Private Utility Companies

(October 2, 2007) Letter from City Council

## Summary

City Council on September 26 and 27, 2007 referred the following Motion (M117) moved by Councillor Minnan-Wong to the Licensing and Standards Committee for consideration:

- "1. That City Council immediately direct the Director of Municipal Licensing and Standards to devote resources to surveying the City of Toronto for the purposes of identifying all utility structures with graffiti on them.
2. That City Council request confirmation from the City Solicitor that enforcement against utility companies is provided for under Chapter 485, Graffiti.
3. That the Director of Municipal Licensing and Standards immediately pursue enforcement under Chapter 485, Graffiti, against the private utility companies for failure to keep their property free of graffiti."

## Background Information

2007-11-02-Is8-4

(<http://www.toronto.ca/legdocs/mmis/2007/ls/bgrd/backgroundfile-7879.pdf>)

LS8.5	ACTION			Wards: 8, 9, 10, 15, 16, 23, 24, 25, 26, 33, 34
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## Billboard Signs

(October 4, 2007) Letter from City Council

### Summary

City Council, on September 26 and 27, 2007, referred the following Recommendations 1b., 1c., 2. and 3. of North York Community Council Item 8.60 to the Licensing and Standards Committee for consideration:

- “1. directed the Chief Building Official to:
  - b. review the method by which sign permits in the North York District are issued in the North York District and recommend changes that will preserve the integrity of the bylaws and the permitting system; and
  - c. report on what increases to the permit fees will be necessary to hire sufficient staff to properly process the sign applications and ensure that there is sufficient staff to do the necessary inspections to ensure compliance with the Sign By-laws.
2. directed the Chief Building Official, in consultation with the City Solicitor, to revoke all permits where there is clear evidence that signs have been erected in violation of the permit issued or where permits have been issued on the basis of false information.
3. directed that the letter (August 29, 2007) from Mr. Rami Tabeto regarding the interpretation of the City of Toronto Act, Section 110(1) with respect to advertising content, be referred to the City Solicitor for an interpretation as it relates to third party copy on first party signs.”

### Background Information

2007-11-02-ls8-5

(<http://www.toronto.ca/legdocs/mmis/2007/ls/bgrd/backgroundfile-7887.pdf>)

## 5a Request for Comprehensive Billboard Audit

(October 17, 2007) Letter from Councillor Palacio, Ward 17 - Davenport

### Summary

Requesting that the Licensing and Standards Committee consider the following motions concurrent with other motions before the Committee on billboards:

1. That Municipal Licensing and Standards staff undertake a comprehensive Billboard Audit of the City of Toronto over the next 6 months that identifies all billboards, illegal billboards and third party signage, including those billboards that have not complied with the conditions that they were approved under;
2. Staff work with local Councillors, the Toronto Public Space Committee and other interested community organizations to locate and ascertain the locations and legality of these billboards; and
3. This audit report include a plan to bring all illegal or non-conforming billboards in the City of Toronto into compliance.

### Background Information

2007-11-02-Is8-5a

(<http://www.toronto.ca/legdocs/mmis/2007/ls/bgrd/backgroundfile-7886.pdf>)

LS8.6	ACTION			Wards: All
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### Taxicab Owner's Refresher Training Course

#### Public Notice

(September 26, 2007) Report from Executive Director, Municipal Licensing and Standards

#### Recommendations

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

1. Toronto Municipal Code - Chapter 441 Fees be amended to include a Training Fee of \$120.00 for the two-day Taxicab Owner's Refresher Training Course;
2. Toronto Municipal Code - Chapter 441 Fees be amended to include a fee of \$25.00 for rescheduling attendance at the two-day Taxicab Owner's Refresher Training Course;
3. The City Solicitor be directed to prepare the necessary bill to give effect to the recommendations from this report, as adopted by Council; and
4. 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. Related costs associated with the implementation of the taxicab owner's refresher training course can be accomplished within existing resources on a cost recovery basis.

#### Summary

Municipal Licensing and Standards is reporting to the Committee with respect to establishing a fee for the taxicab owner's refresher training course in accordance with By-law No. 93-2003, enacted and passed by City Council on February 7th, 2003.

On December 14, 15, 2006, Municipal Licensing and Standards training staff conducted a pilot presentation of the proposed two-day taxicab owner's refresher training course with a group of key stakeholders from the taxicab industry. Consensus was achieved with respect to the duration of the course and curriculum.

### Background Information

2007-11-02-Is8-6

(<http://www.toronto.ca/legdocs/mmis/2007/ls/bgrd/backgroundfile-7881.pdf>)

LS8.7	ACTION			Wards: All
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### Limousine Driver Training Programme

#### Public Notice

(September 12, 2007) Report from Executive Director, Municipal Licensing and Standards

#### Recommendations

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

1. Municipal Code - Chapter 545 – Article XXXIX be amended to include a mandatory five-day Limousine Driver Training Course for new applicants wishing to obtain a licence to drive a limousine in the City of Toronto;
2. Municipal Code - Chapter 545 – Article XXXIX be amended to include a mandatory two-day Limousine Driver/Owner Refresher Training Course, to be taken by existing limousine drivers and owners who drive, once every four years;
3. Municipal Code - Chapter 545 – Article XXXIX be amended to include the requirement that an individual prior to the issuance of a limousine driver's licence and once every four years thereafter, be required to successfully complete a one-day first aid and cardiopulmonary resuscitation course provided by Toronto's Emergency Medical Services (EMS), or by such agency as may be approved by the Executive Director of Municipal Licensing and Standards;
4. Municipal Code - Chapter 441 Fees be amended to include a Training Fee of \$300.00 for the five-day Limousine Driver Training Course for new applicants;
5. Municipal Code - Chapter 441 Fees be amended to include a Training Fee of \$120.00 for the two-day Limousine Driver/Owner Refresher Training Course;
6. Municipal Code – Chapter 441 Fees be amended to include a fee of \$25.00 for rescheduling attendance at the five-day Limousine Driver Training Course;

7. Municipal Code – Chapter 441 Fees be amended to include a fee of \$25.00 for rescheduling attendance at the two-day Limousine Driver/Owner Refresher Training Course;
8. Municipal Code - Chapter 441 Fees be amended to include a fee of \$55.00 for a one-day first aid and cardiopulmonary resuscitation (CPR) course provided by Toronto's Emergency Medical Services Division (EMS), and a fee of \$25.00 for rescheduling of this course if necessary;
9. the City Solicitor be directed to prepare the necessary bill to give effect to the recommendations from this report; and
10. City staff be authorized and directed to take any other action necessary to implement the recommendations from this report.

### **Financial Impact**

There are no financial impacts arising from this report beyond what has already been approved in the current year's budget. Related costs associated with the implementation of the Limousine Driver Training Programme can be accomplished within existing resources on a cost recovery basis.

### **Summary**

As directed by City Council, Municipal Licensing and Standards is reporting back to the Licensing and Standards Committee with respect to establishing a training programme for limousine driver applicants and for existing limousine drivers and owners who drive, and on the costs and implementation issues relating to the delivery of this training programme.

After consultation with the limousine industry, Municipal Licensing and Standards recommends establishing a 5-day training course for limousine driver applicants, a 2-day refresher course for existing limousine drivers and owners that drive, to be taken once every four years and the requirement of applicants completing a First Aid/CPR course prior to the issuance of a licence and once every four years prior to renewal of such licence.

### **Background Information**

2007-11-02-Is8-7

<http://www.toronto.ca/legdocs/mmis/2007/ls/bgrd/backgroundfile-7882.pdf>

<b>LS8.8</b>	<b>ACTION</b>			Wards: All
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### **Amendments to Municipal Code Chapter 447, Fences**

(October 18, 2007) Report from Executive Director, Municipal Licensing and Standards

### **Recommendations**

The Executive Director, Municipal Licensing and Standards recommends that:



1. Council adopt the proposed bylaw amendments to Municipal Code Chapter 447, Fences, in accordance with the report recommendations and Appendix A, subject to any necessary minor substantive or stylistic refinements as may be identified by the Executive Director , Municipal Licensing and Standards and the City Solicitor; and
2. Council direct the City Solicitor to make the necessary amendments to Municipal Code Chapter 447, Fences.

### Summary

This report includes recommendations to amend Toronto Municipal Code Chapter 447, Fences to address pool enclosure gates that use timed self-closing devices, four-sided fencing requirements, and the inappropriate use of temporary fencing materials in the construction of permanent fences. The current bylaw does not include provisions to deal with these matters.

The recommendations are guided by the bylaw's safety objectives. The recommendations have been informed by a review of bylaws in other Ontario municipalities and discussions with Safe Kids Canada, which is the national injury prevention program of The Hospital for Sick Children. The report's conclusions are that self-closing gates should meet strict safety standards, four-sided fencing should be employed in all new swimming pools, and the use of temporary fencing materials in the construction and erection of permanent line fences should be prohibited, except where explicitly permitted under the bylaw.

The City Solicitor and the Chief Building Official were consulted in the preparation of this report.

### Background Information

2007-11-02-ls8-8

(<http://www.toronto.ca/legdocs/mmis/2007/ls/bgrd/backgroundfile-7883.pdf>)

LS8.9	ACTION			Wards: All
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### Right to Enter Adjoining Land to Make Repairs

(October 19, 2007) Report from Executive Director, Municipal Licensing and Standards

### Recommendations

The Executive Director of Municipal Licensing and Standards recommends that:

1. Council adopt the proposed by-law amendments to Municipal Code Chapter 693, Building Construction and Demolition, in accordance with the report recommendations and Appendix A, subject to any necessary minor substantive or stylistic refinements as may be identified by the Executive Director, Municipal Licensing and Standards and the City Solicitor;
2. The Executive Director, Municipal Licensing and Standards, prepare a public

information package on the use of the proposed by-law and report back to the Licensing and Standards Committee on the use of the by-law and any refinements required to it in a year's time; and

3. City staff be authorised and directed to take any other action necessary to implement the proposed by-law amendments.

### **Financial Impact**

The information in this report has no financial implications beyond those already approved in the current year's budget.

### **Summary**

Staff recommend that a City-wide by-law be adopted to provide the right to enter adjoining land for the purpose of making repairs and alterations.

As required by section 101 of the City of Toronto Act, 2006, the by-law provides for notice requirements, limits entry to the extent necessary to carry out repairs and alterations, and requires that the adjoining land be returned to its original condition.

Although the City can prosecute for non-compliance with the by-law and, if successful, also request a prohibition order, in practice this can be a complex and resource-intensive undertaking by the City. If neighbours cannot agree, it is often more expeditious for them to take court action to enforce their rights. The Trespass to Property Act also applies if a neighbour goes beyond the limited access rights granted under the by-law. Although it is arguable that security could be required as a condition of accessing adjoining land, this requirement could only be implemented in the context of a complex and costly permit system.

Staff therefore recommend an approach based on better informing the parties to a right-of-entry matter as to their rights and obligations, and that focuses on preventing disputes and taking corresponding precautions. Under such an approach, staff would therefore undertake an intermediary and informational role, with the option open to a complainant to resort to civil court, if necessary.

The City Solicitor was consulted in the preparation of this report.

### **Background Information**

2007-11-02-ls8-9

(<http://www.toronto.ca/legdocs/mmis/2007/lbgrd/backgroundfile-7884.pdf>)