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## Licensing and Standards Committee

<b>Meeting No.</b>	9	<b>Contact</b>	Dela Ting, Acting Administrator
<b>Meeting Date</b>	Friday, November 30, 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: November 2, 2007**

**Communications/Reports****(Deferred from November 2, 2007 - 2007.LS8.2 for discussion)**

<b>LS9.1</b>	Information			Ward: 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

Staff Report from Executive Director, Municipal Licensing and Standards  
<http://www.toronto.ca/legdocs/mmis/2007/ls/bgrd/backgroundfile-8853.pdf>

**(Deferred from November 2, 2007 - 2007.LS8.9 for discussion)**

LS9.2	ACTION			Ward: 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**

Staff Report from the Executive Director, Municipal Licensing and Standards  
(<http://www.toronto.ca/legdocs/mmis/2007/ls/bgrd/backgroundfile-8854.pdf>)

### **Communications**

- (October 31, 2007) e-mail from Barbara Wilkes (LS.Main.LS9.2.1)
- (October 31, 2007) e-mail from Fred Theysmeyer (LS.Main.LS9.2.2)
- (October 31, 2007) e-mail from Helaine Becker (LS.Main.LS9.2.3)
- (October 31, 2007) e-mail from Sy Landau (LS.Main.LS9.2.4)
- (November 1, 2007) e-mail from Councillor Cliff Jenkins, Ward 25 Don Valley (LS.Main.LS9.2.5)
- (November 1, 2007) e-mail from Mike McKelvey, Board Member, Lawrence Park Ratepayers Association (LS.Main.LS9.2.6)
- (November 1, 2007) e-mail from John Dellevoet (LS.Main.LS9.2.7)
- (November 2, 2007) e-mail from Gwen Rattle (LS.Main.LS9.2.8)
- (November 12, 2007) e-mail from Robin Riko (LS.Main.LS9.2.9)
- (November 20, 2007) e-mail from Robyn Knapp (LS.Main.LS9.2.10)
- (November 9, 2007) e-mail from Harold Smith, Partner Mesbur and Amith Architects (LS.Main.LS9.2.11)
- (November 11, 2007) e-mail from Nicholas Woodbridge (LS.Main.LS9.2.12)
- (November 1, 2007) e-mail from John Smith, President, Teddington Park Residents Association (LS.Main.LS9.2.13)
- (November 14, 2007) e-mail from Lambert Cheng (LS.Main.LS9.2.14)

**(Deferred from November 2, 2007 - 2007.LS8.10)**

<b>LS9.3</b>	ACTION			Ward: All
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### **Enforcement Cost Recovery By-law for Properties used as Clandestine and Illicit Drug Labs**

(October 26, 2007) Letter from Councillor Mike Del Grande - Ward 39 Scarborough Agincourt

### **Summary**

Request to amend the Marijuana Grow Operations - Enforcement Cost Recovery By-law to include Clandestine Drug Labs operating within residential and commercial properties

## Background Information

Letter from Councillor Del Grande

(<http://www.toronto.ca/legdocs/mmis/2007/ls/bgrd/backgroundfile-8932.pdf>)

## Communications

(October 26, 2007) letter from Councillor Chin Lee, Ward 41 - Scarborough Rouge River (LS.Main.LS9.3.1)

(November 1, 2007) letter from City Clerk (LS.Main.LS9.3.2)

LS9.4	ACTION			Ward: All
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## Review of Taxicab Licensing Thresholds

### *(Public Notice)*

(November 13, 2007) Report from Executive Director, Municipal Licensing and Standards

## Recommendations

The Executive Director of Municipal Licensing and Standards recommends that:

1. the amendments to Appendix K of Toronto Municipal Code Chapter 545, Licensing, in Appendix A of this report be adopted to replace the current bylaw thresholds with a demerit-point system;
2. the amendments to Toronto Municipal Code Chapter 545, Licensing, in Appendix B be adopted to effectively replace the current requirement for taxicab drivers to maintain trip sheets with one to maintain an operator log;
3. the amendments to Appendix D of Toronto Municipal Code Chapter 545, Licensing, in Appendix C of this report be adopted to replace the sample trip sheet with a sample operator log; and
4. City staff be authorised and directed to take any other action necessary to implement the proposed bylaw amendments.

## Financial Impact

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

## Summary

In response to a direction from the Licensing and Standards Committee, staff reviewed the City's business licensing thresholds, and specifically with respect to their impact on taxicab drivers.

An industry stakeholder consultation was held on August 28, 2007 to obtain feedback on the

issues raised by the Committee.

On the basis of this consultation, and further research and analysis by staff, a number of recommendations were made, of which the main ones were to introduce a “demerit-point” style system for bylaw offences, and to eliminate the requirement for trip sheets and, in their place, require operator log sheets.

Staff conclude, however, that the way the thresholds are currently structured already address some of the concerns expressed by the Committee. Because of this, staff do not believe that it is necessary to increase the bylaw thresholds to ten convictions (or its equivalent of ten points, under the system that is being proposed in this report), as such a measure would effectively undermine their original purpose.

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

### **Background Information**

Staff Report from Executive Director, Municipal Licensing and Standards  
<http://www.toronto.ca/legdocs/mmis/2007/ls/bgrd/backgroundfile-8935.pdf>

LS9.5	Information			Ward: All
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### **Enforcement of Unlicensed Limousines**

(November 16, 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**

Enforcement of the requirement under the City of Toronto Act (COTA) and the Municipal Code that vehicles, licensed by the Greater Toronto Airport Authority (GTAA), that are picking up passengers in the City must hold a Toronto license will commence February 1, 2008 by Municipal Licensing and Standards Division.

### **Background Information**

Staff Report from Executive Director, Municipal Licensing and Standards  
<http://www.toronto.ca/legdocs/mmis/2007/ls/bgrd/backgroundfile-8938.pdf>

LS9.6	ACTION			Ward: All
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## **Review of Limousine Licensing Regulations, including the Transport of Passengers to the Airport**

### *(Public Notice)*

(November 16, 2007) Report from Executive Director, Municipal Licensing and Standards

### **Recommendations**

Municipal Licensing and Standards Division recommends that Toronto Municipal Code, Chapter 545, Licensing, be amended by:

1. Removing from Subsection 2B(1) of Chapter 545-2, Licensing, the following wording:
 

“.....except where such conveyance is made to an airport owned and operated by the Crown in right of Canada situated outside the municipality by a cab bearing a valid and subsisting plate issued in respect of such airport under the Government Airport Concession Operators Regulations made under the Department of Transport Act (Canada).”
2. Adding to the Chapter a provision that will establish a maximum number of licences to be issued for limousine owners, that number equalling the total number of licenses issued or applied for as November 30, 2007, being the date of the meeting of Licensing and Standards Committee.
3. The Executive Director, Municipal Licensing and Standards, in consultation with the General Manager, Economic Development, Culture and Tourism Division, the limousine industry and other appropriate stakeholders undertake a review of the standards and regulations applicable to limousines licensed by the City and report back to Licensing and Standards Committee by December 2008.
4. City Council direct the City Solicitor to prepare the necessary bill to give effect to the recommendations from this report, as adopted by Council.
5. City Council authorize and direct City staff 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**

The language contained in Section 545-2B(1) of Chapter 545, Licensing, of the Toronto Municipal Code (which exempts cabs traveling to Crown-operated airports from the requirement to hold a taxicab license issued by the City, the Exemption) should be repealed.

The existing language of the Exemption provision should be repealed because it is not applicable to vehicles picking up passengers within the City for transportation to Lester B. Pearson International Airport (the Airport).

Appropriate staff will undertake a review of the standards and regulations applicable to limousines licensed by the City and report back to Licensing and Standards Committee by December 2008. Consultations will be undertaken with the limousine industry and other appropriate stakeholders and will take into consideration such matters as the types of vehicles that should be used as limousines (including low emission and hybrid technologies), the appropriateness of the ratios adopted, and whether it may be appropriate to re-impose limitations on the number of limousines licenses issued and if so, what number of licenses would be appropriate.

In the interim, the number of limousine licenses issued by the City should be fixed at the total number of licenses currently issued or those applied for as of the date of the meeting of Licensing and Standards Committee, being November 30, 2007.

### Background Information

Staff Report from Executive Director, Municipal Licensing and Standards  
<http://www.toronto.ca/legdocs/mmis/2007/ls/bgrd/backgroundfile-8941.pdf>

LS9.7	ACTION			Ward: All
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### Court Application and Clarification, Correction, and Updating of By-law No. 706-2005 respecting limousine businesses

**Confidential Attachment - Litigation or potential litigation that affects the City and contains advice or communications that are subject to solicitor-client privilege (Confidential Attachment 1)**

(November 14, 2007) Report from City Solicitor

### Recommendations

The City Solicitor recommends that:

1. City Council confirm that recommendation 1(c) contained in Planning and Transportation Committee Report No. 4, Clause No. 1 entitled Licensing of Livery Vehicles in the City of Toronto, as adopted by City Council on May 17, 18 and 19, 2005 was intended to mean that every limousine service company shall have and maintain service agreements for at least one stretch limousine and at least two sedan limousines;
2. The residency requirement governing limousine owners contained in section 545-142A(4)(a) of Chapter 545, Licensing, be repealed;
3. The advertising approval requirements governing limousine owners contained in section 545-136B of Chapter 545 be repealed;



4. The draft bill attached hereto be enacted;
5. The Confidential Attachment to this report remain confidential and not be publicly released; and
6. The appropriate City Officials be authorized and directed to take all necessary steps to give effect thereto.

### **Financial Impact**

If adopted, the recommendations contained in this report will have no financial impact beyond what has already been approved in the current year's budget.

### **Summary**

The purpose of this report is to seek clarification of a previous recommendation adopted by City Council respecting stretch/sedan vehicle ratios, to advise of various matters in By-law No. 706-2005 which require correction and to recommend deletion of archaic regulations respecting residency requirements and advertising approvals governing limousine businesses. In addition, this report advises of a court application challenging the validity of By-law No.'s 706-2005 and 217-2006.

### **Background Information**

Staff Report from City Solicitor

<http://www.toronto.ca/legdocs/mmis/2007/ls/bgrd/backgroundfile-8942.pdf>

Draft Bill

<http://www.toronto.ca/legdocs/mmis/2007/ls/bgrd/backgroundfile-8943.pdf>

LS9.8	ACTION			Ward: All
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### **Noise from the Operation of Construction Equipment on Sundays and Statutory Holidays**

#### **Summary**

City Council, on July 16, 17, 18 and 19, 2007, referred Item LS6.2 entitled "Noise from the Operation of Construction Equipment on Sundays and Statutory Holidays (Ward: All)"

#### **Background Information**

City Council Decision - Item LS6.2

<http://www.toronto.ca/legdocs/mmis/2007/ls/bgrd/backgroundfile-8889.pdf>

LS9.9	Information			Ward: 17
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### **Ward 17 Pilot Project - Symington Place (1884 Davenport Road) and Pelham Park Gardens (61 Pelham Park Gardens)**

(November 15, 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**

All the Notices and Orders issued as a result of the original inspections have been complied with by Toronto Community Housing Corporation (TCHC).

In October of 2007, a joint inspection of the properties with representatives of TCHC was conducted on the exterior and common areas to ascertain the current conditions of maintenance, repair and cleanliness.

It was noted that TCHC had initiated additional remedial work, which is in progress on matters such as brick repairs and carpets replacement.

However, deficiencies were identified for which orders have been issued.

The Municipal Licensing and Standards Division has no outstanding compliant files from tenants in the subject buildings however we continue to work with TCHC to resolve the matters that require attention.

#### **Background Information**

Staff Report from Executive Director, Municipal Licensing and Standards  
<http://www.toronto.ca/legdocs/mmis/2007/ls/bgrd/backgroundfile-8944.pdf>

LS9.10	ACTION			Ward: All
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### **Chapter 315 of the Municipal Code - Street Vending**

(November 19, 2007) Letter from Councillor Rob Ford, Ward 2 - Etobicoke North

#### **Summary**

Submitting petition and request by Elizabeth Moskava and Marianne Moroney to address the upcoming Licensing and Standards Committee on behalf of their industry regarding street vending issues.

**Background Information**

Letter from Councillor Rob Ford

<http://www.toronto.ca/legdocs/mmis/2007/ls/bgrd/backgroundfile-8945.pdf>

**Communications**

(November 15, 2007) e-mail from Marianne Moroney and Elizabeth Vancho forwarding a petition signed by approximately 372 individuals from the general public (LS.Main.LS9.10.1)