



## Decision Document

### Licensing and Standards Committee

<b>Meeting No.</b>	3	<b>Contact</b>	Betty Henderson, Committee Administrator
<b>Meeting Date</b>	Friday, March 30, 2007	<b>Phone</b>	416-392-8088
<b>Start Time</b>	9:30 AM	<b>E-mail</b>	Bhender1@toronto.ca
<b>Location</b>	Committee Room 1, City Hall		

*The Decision Document is for preliminary reference purposes only. Please refer to the Committee's Report to City Council or to the Minutes for the official record.*

#### *How to Read the Decision Document:*

- *recommendations of the Committee to City Council appear after the item heading;*
- *action taken by the Committee on its own authority does not require Council's approval and is listed in the decision document under the heading "Decision Advice and Other Information" at the end of the item; and*

*Declarations of Interest, if any, appear at the end of an item.*

LS3.1	ACTION	Amended		
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#### **Briefing to the Committee Members on the Taxi Industry**

##### **Committee Recommendations**

The Licensing and Standards Committee recommends that:

1. *City Council receive the report (March 16, 2007) from the Executive Director, Municipal Licensing and Standards.*
2. *City Council amend the Toronto Municipal Code, Chapter 545-2, Licence requirement, by:*
  - A. *Removing from Subsection B(1) 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)";*

*B. Adding a new Subsection as follows:*

- a. no taxicab or livery vehicle licensed by the City of Toronto be permitted to carry any additional license or permit issued by another jurisdiction, and no Toronto license or permit will be allowed to be affixed to a vehicle already carrying a license or permit issued by another jurisdiction; and*
  - b. notwithstanding (a) taxis currently licensed by the City of Toronto that are in possession of a valid GACOR (Government Airport Concession Operators Regulation) permit prior to January 1, 2007 shall be grandfathered and the appropriate wording be included in the Toronto Municipal Code, Chapter 545.*
- 3. City Council direct the Chair and Vice Chair and any other interested Members of the Licensing and Standards Committee, to undertake discussions with various stakeholders to determine if it is possible to negotiate an arrangement that would provide Toronto Taxis with clear and consistent access to Toronto International Airport and if successful, to bring forward any recommendations in this regard before the Committee for public consideration.*
- 4. City Council direct the Chair and Vice Chair and any other interested Members of the Licensing and Standards Committee, to undertake consultation with other stakeholders including other governments within the GTA and other orders of government to determine if reciprocal arrangements are possible to enhance the quality of service to residents, businesses and report to Licence and Standards on any proposals they deem to be worthy of further discussion.*
- 5. City Council direct the Chair, Licensing and Standards Committee to meet with the Chief of Police and Chair and Vice Chair of the Police Services Board to discuss a possible enforcements protocol for enforcement of Chapter 545-2 as it pertains to recognizing the importance and value of the Taxi industry to the City of Toronto.*
- 6. City Council direct staff to do all things necessary to facilitate these matters.*
- 7. City Council adopt the confidential recommendation contained in the communication (March 30, 2007) from the City Clerk (distributed to all Members of Council under separate cover).*

## **Summary**

Recommendation to Council.

## **Decision Advice and Other Information**

The Licensing and Standards Committee:

- a. deferred the presentation on the Taxi Industry until its meeting of May 4, 2007.
- b. directed the City Solicitor to prepare a confidential report directly to City Council as outlined in the confidential communication (March 30, 2007) from the City Clerk, such report to remain confidential in its entirety as it consists of legal advice.
- c. received the following reports and communications:
  - report (March 27, 2007) from the City Solicitor;
  - report (March 16, 2007) from the Executive Director, Municipal Licensing and Standards;
  - communication (March 29, 2007) from the City Clerk;
  - communication (March 2007) from the Airport Limousine Operators Association;
  - communication (March 30, 2007) from Gerald H. Manley;
  - communication (March 28, 2007) from Jim Bell, President, Toronto Taxicab Alliance;
  - communication (March 28, 2007) from Arvind Kumar Agarwal; and
  - communication (March 29, 2007) from M. Virginia MacLean, Q.C.

### **1a Impact of Airport Limousines on the Taxicab Industry**

(March 16, 2007) report from Executive Director, Municipal Licensing and Standards

#### **Summary**

This report canvasses the issues related to the “airport exemption” contained in the Municipal Act and subsequently not carried forward with the enactment of the City of Toronto Act, 2006, (the COTA), rationales related to its removal from Chapter 545, Licensing, of the City of Toronto Municipal Code (the Code), and other strategies for the public to travel to and from Lester B. Pearson International Airport (the Airport).

The Municipal Licensing and Standards (ML&S) Division, together with the Economic Development, Culture and Tourism Division, on behalf of the City of Toronto, consult with the Greater Toronto Airports Authority, the Provincial government, the Federal government, the Greater Toronto Transportation Authority, municipalities adjacent to the City of Toronto and other stakeholders regarding service for the travelling public going to or arriving at Lester B. Pearson International Airport for the purpose of developing a strategic policy framework and report to Committee at its first meeting of 2008.

City Council reaffirm support for the position to remove the “airport exemption” the City of Toronto Municipal Code in § 545-2b(2) Chapter 545, Licensing, subject to the results of consultations.

The City Solicitor, the General Manager of Economic Development Culture and Tourism, and the City Manager’s Office were consulted in the preparation of this report.

## **Background Information**

Impact of Airport Limousines on the Taxicab Industry

(<http://www.toronto.ca/legdocs/mmis/2007/ls/bgrd/backgroundfile-2371.pdf>)

## **Communications**

(March 13, 2007) Submission from Louis Vittas, Airline Limousine - LSMainLS3.1.1

(<http://www.toronto.ca/legdocs/mmis/2007/ls/comm/communicationfile-813.pdf>)

(March 22, 2007) Submission from Gerald H. Manley - LSMainLS3.1.2

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## **1b Legal Analysis of Proposed By-Laws Respecting Airport Taxicabs and Limousines**

### **Confidential - Confidential advice in Attachment 1**

(March 27, 2007) report from City Solicitor

## **Summary**

This report is supplemental to the report from the Executive Director, Municipal Licensing and Standards, entitled Impact of Airport Limousines on the Taxicab Industry.

Currently, most taxicabs and limousines that pick up passengers in the City of Toronto are required to have a Toronto licence. However, there is an exception to that requirement for taxicabs and limousines that carry a permit issued under the federal Government Airport Concession Operators Regulations (GACOR permit) picking up passengers in Toronto to transport them to Toronto Pearson International Airport (Pearson). This is known as the “airport exemption”.

The airport exemption was added to the Municipal Act in December of 1978. At that time, it was also added to the former Municipality of Metropolitan Toronto’s licensing by-law, and subsequently carried forward to the City of Toronto’s Municipal Code Chapter 545, Licensing. The Province did not include the airport exemption in the City of Toronto Act, 2006 (COTA), although it has been retained for other municipalities in the new Municipal Act, 2001. By not including the airport exemption in COTA, the Province has enabled Toronto to decide whether it should also be removed from Chapter 545.

The Executive Director’s report discusses a proposal to amend Chapter 545 to require taxicabs and limousines picking up fares to the airport to be licensed by Toronto. This report provides

legal advice to City Council respecting that proposal. It also provides legal advice on a proposal to amend Chapter 545 to prohibit dual licensing (that is, prohibit taxicabs and limousines licensed by Toronto from carrying any additional licence or permit issued by another jurisdiction) while grandparenting Toronto-licensed taxicabs that possessed a valid GACOR permit prior to January 1, 2007.

### **Background Information**

Legal Analysis of Proposed By-Laws Respecting Airport Taxicabs and Limousines  
<http://www.toronto.ca/legdocs/mmis/2007/ls/bgrd/backgroundfile-2496.pdf>

## **1c Airport Taxis**

### **Summary**

The Licensing and Standards Committee at its meeting on February 16, 2007, deferred consideration of this matter until its meeting of March 30, 2007, and directed the City Clerk to give appropriate Notice under Chapter 162 of the Municipal Code, Public Notice and further that the Committee also consider at that time a Notice of Motion by Councillor Moscoe to amend the Toronto Municipal Code, Chapter 545-2, Licence requirement.

LS3.2	ACTION	Amended		
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## **New Harmonized Fireworks By-law and Permit Rules**

(February 13, 2007) report from Toronto Fire Services

### **Committee Recommendations**

The Licensing and Standards Committee recommends that:

1. City Council direct the City Solicitor to prepare the necessary bills to repeal the former City of Toronto Municipal Code, Chapter 190, Etobicoke Municipal Code Chapter 137, Scarborough By-law 23650, York By-law 1648-73, Borough of East York By-law 695 and North York By-law 25102, and any by-laws amending these, as of January 1, 2008.
2. City Council direct the City Solicitor to prepare the necessary bills with respect to a new fireworks by-law (to be effective January 1, 2008) to implement the recommendations in this report.
3. City Council direct the Municipal Licensing and Standards Division to issue permits to Permanent Fireworks Vendors that meet the requirements of the federal Explosives Act and regulations under that act (the “Explosives Act”) to sell family, display, and theatrical fireworks year-round, at a cost of \$2,500 per year.

4. City Council direct Municipal Licensing and Standards Division to issue permits to Temporary Fireworks Vendors, Temporary Lease Fireworks Vendors and Mobile Fireworks Vendors to sell only 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 at a cost of \$500 per year.
5. City Council direct the Toronto Fire Services to complete all inspections for Permanent, Temporary Lease and Mobile Fireworks Vendors and for Temporary Fireworks Vendors that do not already have a business license with the City.
6. City Council direct the Toronto Fire Services to issue Special Occasions Discharge Permits for the discharge of family fireworks for religious, cultural and special events that are not discharged on or about Victoria Day or Canada Day (as described below), at a cost of \$25 per Special Occasions Discharge Permit.
7. City Council direct the City Solicitor to prepare the necessary bills to amend Schedule 1 of Appendix B of Chapter 441, Fees and Charges of the Toronto Municipal Code to add the following fees:
  - \$25 fee for a Special Occasions Discharge Permit
  - \$2,500 annual fee for Permanent Fireworks Vendor's Permit
  - \$500 annual fee for a Temporary Mobile Fireworks Vendor's Permit
  - \$500 annual fee for a Temporary Lease Fireworks Vendor's Permit
  - \$500 annual fee for a Temporary Fireworks Vendor's permit (where required under the by-law)
  - \$100 fee for an amendment to an existing Temporary Mobile Fireworks Vendor's Permit or a Temporary Lease Fireworks Vendor's Permit to reflect a new location for the temporary sale of Family Fireworks.
8. City Council direct the City Solicitor to prepare the necessary bills to amend Item 24 of Schedule 1 of Appendix B of Chapter 441, Fees and Charges of the Toronto Municipal Code to replace "Fireworks Display Permits" with "Fireworks Display/Theatrical Permits".
9. City Council authorize the Fire Chief and Executive Director, Municipal Licensing and Standards Division, or their respective delegates, to implement the fireworks by-law.
10. City Council authorize the Executive Director, Municipal Licensing and Standards, or their respective delegates, to implement the review and issuance of permits for the fireworks vendors under the fireworks by-law.
11. City Council direct the City Solicitor to make an application for the set fines as set out in the body of this report.
12. *City Council direct the Toronto Fire Services to incorporate into their fire safety education programs a component related to the safe use of fireworks.*

13. *City Council direct the Toronto Fire Services to prepare a one page pamphlet about the safe use of family fireworks and the by-law be amended to require the retailer to provide this publication to each and every purchaser of family fireworks.*

### Summary

This report seeks Council's authorization to create a new, harmonized fireworks by-law for the City of Toronto. The by-law would regulate the sale of fireworks by both permanent and temporary fireworks vendors, requiring them to obtain vendor permits.

The new by-law would also allow the city to issue Special Occasions Discharge Permits for family fireworks at religious, cultural, and special events. The Special Occasions Discharge Permits will enable Toronto Fire Services to account for and document fireworks that the City has authorized to be safely discharged.

### Decision Advice and Other Information

The Licensing and Standards Committee received the communication (March 28, 2007) from Ann Rastin, President, Canadian Pyrotechnic Council.

### Background Information

New Harmonized Fireworks By-law and Permit Rules

(<http://www.toronto.ca/legdocs/mmis/2007/ls/bgrd/backgroundfile-2000.pdf>)

LS3.3	ACTION	Adopted		
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### Review of Applications to be Included in the City's List of Approved Professional Holistic Associations

(March 5, 2007) report from Executive Director, Municipal Licensing and Standards

### Committee Recommendations

The Licensing and Standards Committee recommends that:

1. City Council include the following four holistic associations 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. International Aromatherapists and Tutors Association Canada Inc;
  - b. International Council of Ayurvedic Physicians Inc;
  - c. Preventative Health Services Group; and
  - d. National Association of Holistic Health Practitioners.

2. City Council direct the City Solicitor to prepare the necessary bill to give effect to the recommendations in this report, effective immediately.
3. City Council authorize and direct all other appropriate City officials to take the necessary actions to give effect thereto.

### 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: International Aromatherapists & Tutors Association Canada Inc., International Council of Ayurvedic Physicians Inc., Preventative Health Services Group, and National Association of Holistic Health Practitioners. 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 four associations adequately meet the criteria to be included in Toronto Municipal Code Chapter 545, Licensing, Appendix L, as Professional Holistic Associations.

### Background Information

Professional Holistic Associations Approval

(<http://www.toronto.ca/legdocs/mmis/2007/ls/bgrd/backgroundfile-2369.pdf>)

LS3.4	ACTION	Noted/Filed		
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### Leaf Blower Use Restriction in City of Toronto

(March 9, 2007) letter from City Clerk

### Summary

At the present time, the Noise By-law Chapter 591 for the City of Toronto prohibits the creation of noise by the use of leaf blowers between the hours of 9:00 p.m. one day to 7:00 a.m. the next day, 9:00 a.m. Sundays and statutory holidays.

Gas powered leaf blowers produce sound with a strong tonality, which is particularly objectionable, and generally levels measure in the range of 80-90 dBA and as of January 1, 1992, leaf blowers which produce sound levels in excess of 70 dBA at 15 metres are considered to be in violation of the Noise By-law and are, therefore, essentially banned in the City.

The number of noise complaints resulting from the use of leaf blowers increases steadily each year, as outlined in a Committee Report (January 10, 1996) submitted from the Acting Commissioner of Public Works and the Environment for the City of Toronto.



The Noise By-law Chapter 591 authorizes City Council to pass by-laws for prohibiting or regulating the making, causing or permitting of noises or any class or classes of noises within the municipality or any defined area or areas thereof which disturbs or may disturb the quiet, peace, rest, enjoyment, comfort or convenience of the inhabitants, or which, in the opinion of the Council, are objectionable or liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the inhabitants.

The pollution caused by leaf blowers extends beyond noise to dust, debris, mould, hydrocarbons, carbon monoxide and ground level ozone, all of which increase the levels of pollution and/or smog in the City resulting in a loss of quality of life for all residents.

Precedent exists. The City of Vancouver, BC, has already taken the initiative to support a City wide ban of leaf blowers (Noise Control By-Law No. 6555 – November 18, 2003).

### **Background Information**

Leaf Blower Use Restrictions in City of Toronto

(<http://www.toronto.ca/legdocs/mmis/2007/ls/bgrd/backgroundfile-1999.pdf>)

### **Decision Advice and Other Information**

The Licensing and Standards Committee:

- a. took Note and Filed the recommendations contained in the communication (March 9, 2007) from the City Clerk; and
- b. received the following communications
  - (March 28, 2007) from Councillor Gloria Lindsay Luby
  - (March 29, 2007) from Bill Kooy
  - (March 29, 2007) from Eric den Engelsman, President, Thornhill Lawn Equipment Ltd.
  - (March 29, 2007) from Milton Small Engines
  - (March 29, 2007) from Cliff Carley, President, Cliff's Lawn & Garden Equipment
  - (March 29, 2007) from Sean Smith, W.E. Enterprises Ltd.
  - (March 30, 2007) from Antonio Dimilta, Alpine Lawn & Garden Equipment Inc.
  - (March 29, 2007) from Margrit Kapler

### **4a Leaf Blowers Use Restriction**

(March 28, 2007) letter from Councillor Gloria Lindsay Luby

### **Summary**

Proposal from Councillor Gloria Lindsay Luby

LS3.5	Information	No Action		
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### **Multi-residential Apartment Buildings Regulatory Strategy**

(March 6, 2007) report from Executive Director, Municipal Licensing and Standards

#### **Summary**

In 2004, Council directed that a regulatory strategy be developed to ensure multi-residential apartment buildings are maintained in accordance with the provisions of the Toronto Municipal Code. The enabling legislation came into effect on January 1, 2007 with the enactment of the City of Toronto Act, 2006.

Internal stakeholders' consultations commenced in October 2006 and external stakeholders' consultations began in December 2006. A public consultation will be scheduled in the spring of 2007.

A report, in the form of a discussion paper, will be presented in the summer of 2007 and will set out a series of options for consideration by the standing committee. The policy options will form the basis of the regulatory regime, which may include: a licence, a permit, a registration, an approval and/or other type of permission. It will also be supported by an enhanced inspection program to augment the current enforcement strategy to minimize the number of complaints, while increasing compliance with maintenance standards.

#### **Background Information**

Multi-residential Apartment Buildings Regulatory Strategy  
<http://www.toronto.ca/legdocs/mmis/2007/ls/bgrd/backgroundfile-2368.pdf>

#### **Decision Advice and Other Information**

The Licensing and Standards Committee received the report (March 6, 2007) from the Executive Director, Municipal Licensing and Standards.

LS3.6	Information	No Action		
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### **Re-examination of the Feasibility of Licensing Bicycle Couriers under the City of Toronto Act**

(March 5, 2007) report from Executive Director, Municipal Licensing and Standards

#### **Summary**

The purpose of this report is to re-examine the feasibility of licensing bicycle couriers after the adoption of the City of Toronto Act, 2006.

Under the City of Toronto Act, 2006, a municipality does not have the power to license a courier business, and/or owners or drivers of vehicles used for hire in a courier business, including bicycle couriers.

### Background Information

Bicycle Courier Rev Report

(<http://www.toronto.ca/legdocs/mmis/2007/ls/bgrd/backgroundfile-2366.pdf>)

### Decision Advice and Other Information

The Licensing and Standards Committee received the report (March 5, 2007) from the Executive Director, Municipal Licensing and Standards.

LS3.7	ACTION	Deferred		
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### Licensed Entertainment Facilities

(March 30, 2007) letter from Councillor Adam Vaughan

### Summary

To ask that the Licensing and Standards Committee request two reports from city staff with respect to licensed entertainment facilities, including planning mechanisms that can be used to allow for long-term moratoriums and appropriate density thresholds for number of facilities in any one area.

### Background Information

Licensed Entertainment Facilities

(<http://www.toronto.ca/legdocs/mmis/2007/ls/bgrd/backgroundfile-2663.pdf>)

### Decision Advice and Other Information

The Licensing and Standards Committee deferred consideration of the communication (March 30, 2007) from Councillor Adam Vaughan until its meeting of May 4, 2007, and directed that the City Planner be invited to attend at that time to discuss this matter.

### Meeting Sessions

Session Date	Session Type	Start Time	End Time	Public or Closed Session
2007-03-30	Morning	9:30 AM	12:40 PM	Public
2007-03-30	Afternoon	1:40 PM	1:50 PM	Public
2007-03-30	Afternoon	1:50 PM	2:20 PM	Closed
2007-03-30	Afternoon	2:20 PM	2:35 PM	Public