

Licensing and Standards Committee

Meeting No.	4	Contact	Helen Smith, Manager, Community Council and Committee
Meeting Date	Friday, May 4, 2007	Phone	416-392-0146
Start Time	9:30 AM	E-mail	hsmith@toronto.ca
Location	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.

Minutes Confirmed - March 30, 2007

LS4.1	Presentation	Received		
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Briefing to the Committee Members on the Taxi Industry

Summary

Deferred from the March 30, 2007 Licensing and Standards Committee meeting.

Decision Advice and Other Information

The Licensing and Standards Committee requested that the Director, Fleet Services, in consultation with the Executive Director of Municipal Licensing and Standards, report to the December 2007 meeting of the Licensing and Standards Committee on the evaluation of green vehicles as taxis.

LS4.2	Information	Deferred		
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Review of Taxicab Licensing Thresholds

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

Summary

This report reviews the City's taxicab driver thresholds in response to a request from the Licensing and Standards Committee. It analyses the impact of the thresholds on taxicab drivers and provides observations with respect thereof.

In 2006, out of 9,954 applicants, 110 taxicab drivers licence applicants (both new and renewals) were refused licenses by Municipal Licensing and Standards Division for threshold-related violations. This represents 1.1% of all taxicab driver applicants for that year.

No recommendations to change the existing threshold mechanism are provided given the number of taxicab driver applicants impacted.

Background Information

Review of Taxicab Licensing Thresholds

(<http://www.toronto.ca/legdocs/mmis/2007/ls/bgrd/backgroundfile-3219.pdf>)

Decision Advice and Other Information

The Licensing and Standards Committee deferred this item to its meeting scheduled for June 8, 2007, to hear deputations.

LS4.3	ACTION	Adopted		
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Seizure of Motor Vehicles Involved in Prostitution Related Offences

(January 25, 2007) report from City Solicitor

Committee Recommendations

The Licensing and Standards Committee recommends that City Council request the Province of Ontario to enact legislation providing for the seizure of vehicles in prostitution related offences, similar to the legislation in Manitoba, Saskatchewan and Alberta.

Summary

At its meeting on September 28, 29, and 30, 2005, City Council requested the City Solicitor to report back with respect to legislation in other provinces dealing with this issue, and in particular, Bill 28 of Nova Scotia, which proposed to give municipalities authority to seize and impound vehicles being used to commit offences under the prostitution related sections of the

Criminal Code of Canada.

Currently the only jurisdictions in Canada with legislation providing for the seizure of vehicles, in prostitution related offences are Alberta, Manitoba and Saskatchewan. No province has granted the authority to municipalities to pass by-laws in this regard. The validity of the legislation in Manitoba and Saskatchewan has not been challenged. However, if Ontario were to pass a similar law, there are strong legal arguments to challenge the law's validity.

3a Seizure of Motor Vehicles Involved in Prostitution Related Offences

(February 14, 2007) letter from Councillor Frances Nunziata

Summary

Advising that in 2005, Council directed the City of Toronto to enter into discussions with the Attorney General of Ontario in order to gain powers similar to municipalities in Nova Scotia, that would give police authority to seize and impound any vehicle used to commit an offence under Sections 211, 212 or 213 of the Criminal Code. My Office is currently in the process of following up on that Directive; and requesting that the above item be deferred to the Licensing and Standards Committee meeting on March 30, 2007.

Background Information

Seizure of Motor Vehicles Involved in Prostitution Related Offences
(<http://www.toronto.ca/legdocs/mmis/2007/ls/bgrd/backgroundfile-3246.pdf>)

LS4.4	ACTION	Adopted		
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Coordinated Enforcement of Problem Properties

(April 20, 2007) Member Motion from Councillor Kyle Rae

Committee Recommendations

The Licensing and Standards Committee recommends that:

1. The City of Toronto establish and appropriately resource Problem Property Teams to better monitor and coordinate efforts between enforcement agencies, and that consideration be given to including City Councillors and community representatives to allow for broader input; and
2. The City of Toronto, Municipal Licensing and Standards Division, work with the Province to develop a centralized database of information about complaints, bylaw and legislation violations, convictions, etc., to be shared between provincial (Alcohol and Gaming Commission of Ontario) and municipal (Municipal Licensing and Standards, Toronto Police Service, Toronto Public Health, Toronto Fire Services) enforcement

agencies. A central database would allow for better monitoring of problem properties and facilitate co-coordinated, systemic responses between relevant enforcement agencies.

Summary

At its meeting of March 28, 2007, the Toronto Drug Strategy Implementation Panel approved two motions brought forward by one of its subcommittees, the Neighbourhood Strategies Working Group. The Neighbourhood Strategies Working Group is developing locally-based strategies to reduce the harms of alcohol and other drug related activity and crime for individuals and neighbourhoods. The motions seek to improve coordination between agencies involved in property regulation and licensing enforcement through the development of a centralized database, and the establishment of Problem Property Teams.

Central Database A central database would enable consistent information to be shared and facilitate coordinated, systemic responses between all relevant enforcement agencies. Often authorities are not aware that other enforcement agencies have recorded infractions or laid fines on a particular property. For example, a bar may have Fire Code violations and Public Health infractions in addition to Liquor Licence offences. Properties with repeat and multiple violations may have a negative impact on their local neighbourhood. Shared information would allow for improved identification of “problem properties” and direct the level and type of enforcement response needed in each case. A model database system does exist for this type of information sharing and coordination. The Toronto Police Service uses such a system to share information about marijuana grow operations with Municipal Licensing and Standards, Toronto Public Health and other enforcement bodies.

Problem Property Teams Problem Property Teams address property regulation and licensing issues in a comprehensive and coordinated way. Team members include Municipal Licensing and Standards (MLS), Toronto Public Health, Toronto Fire Services, the Toronto Police Service, and the Alcohol and Gaming Commission of Ontario (AGCO). The City of Toronto did have Problem Property Teams at one time, one for each of the four quadrants of the city. The Teams were led through MLS and funded by the provincial government. However, the teams were disbanded when the Province withdrew funding. There are some ‘ad hoc’ committees set up by City Councillors to deal with problem properties in their wards. However, given that these issues are city-wide, re-establishing centralized Problem Property Teams would be a more strategic and responsive use of resources.

Background Information

Coordinated Enforcement of Problem Properties

(<http://www.toronto.ca/legdocs/mmis/2007/ls/bgrd/backgroundfile-3220.pdf>)

Decision Advice and Other Information

The Licensing and Standards Committee requested that upon adoption of the Recommendations, the Executive Director, Municipal Licensing and Standards report to the Licensing and Standards Committee, in consultation with the City’s Community Safety Secretariat staff, on models for local and divisional problem property teams and that:

- a. the report outline a criteria for a “problem property”;

- b. Municipal Licensing and Standards staff consult with 3-1-1 staff as to the templates available for reporting processes that would assist with a common database; and
- c. the Executive Director, Municipal Licensing and Standards, in consultation with the City Solicitor, report on how the cost of Problem Property enforcement could be charged back to the problem property owners and added to the property tax bill for collection purposes and that the revenue from this proposal be used to finance the Problem Property Team initiative.

LS4.5	Information	Amended		
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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-3222.pdf>)

Decision Advice and Other Information

The Licensing and Standards Committee requested that:

1. The Executive Committee determine if Licensed Entertainment Facilities falls within the mandate of both the Licensing and Standards and Planning and Growth Committees, to permit a joint meeting, as required by Municipal Code Chapter 27, Section 134;
2. The Chief Planner and the Executive Director, Municipal Licensing & Standards, in consultation with the Toronto Drug Strategy Secretariat and the Toronto Police Service, develop and report to a joint meeting of the Licensing and Standards and Planning and Growth Committees, to be scheduled in October, on planning mechanisms that can be used to allow for long-term moratoriums on the establishment of licensed entertainment facilities in areas of Toronto with high concentrations of these types of businesses, specifically, the Entertainment District *and that the report include a report from the General Manager, Economic Development, Culture and Tourism, on the contributions made to the City economically and from a tourism perspective; and*

3. The Chief Planner and the Executive Director, Municipal Licensing & Standards, in consultation with the Toronto Drug Strategy Secretariat and the Toronto Police Service, establish and report to a joint meeting of the Licensing and Standards and Planning and Growth Committees to be scheduled at the end of 2007 on guidelines for appropriate density thresholds of licensed establishments within any given area of the city *and that deputations from the business owners and residents be invited.*

LS4.6	Information	Adopted		
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Barrier Free Access By-law

(April 20, 2007) Member Motion from Councillor Frances Nunziata

Summary

The City of Toronto Act, 2006 may provide the City of Toronto with additional authority to pass by-laws related to barrier free access to buildings for persons with physical or sensory disabilities.

With respect to an existing building, Chapter 629, Property Standards, would require the maintenance of any ramp or other installation, but it does not have the authority to require the installation of any new amenities. With respect to new construction or in cases where there is significant renovation, the Ontario Building Code (O.B.C.) provides for barrier free requirements, however these provisions do not apply to existing buildings.

The City's authority under the City of Toronto Act, 2006 to adopt a by-law requiring existing buildings to provide barrier free access has been reviewed briefly by Legal Services; however a detailed policy analysis and legal review of any proposed by-law would be necessary to decisively answer this question.

Background Information

Barrier Free Access By-law

(<http://www.toronto.ca/legdocs/mmis/2007/ls/bgnd/backgroundfile-3221.pdf>)

Decision Advice and Other Information

The Licensing and Standards Committee requested that the Executive Director of Municipal Licensing and Standards, in consultation with the City Solicitor and Chief Building Official, undertake the detailed review necessary to determine if the City should and can enact a by-law to require the retrofitting of existing residential and commercial buildings with amenities to facilitate accessibility, and report to the Licensing and Standards Committee for the October 5, 2007 meeting.

LS4.7	Information	Adopted		
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Confidentiality of Legal Actions taken by Municipal Licensing and Standards Staff

(April 26, 2007) Member Motion from Councillor Cliff Jenkins

Summary

Letter from Councillor Cliff Jenkins asking the Committee to request a report by staff of the Licensing and Standards Committee on the policy of maintaining the confidentiality of legal actions initiated by Municipal Licensing and Standards staff.

Decision Advice and Other Information

The Licensing and Standards Committee requested that the Executive Director, Municipal Licensing and Standards, in consultation with Legal Services and Corporate Access and Privacy staff as needed, report to the next meeting of the Licensing and Standards Committee on the policy of maintaining the confidentiality of legal actions initiated by Municipal Licensing and Standards staff and recommendations with respect to the policy of not disclosing enforcement actions before the courts regarding zoning and/or property standards matters.

Meeting Sessions

Session Date	Session Type	Start Time	End Time	Public or Closed Session
2007-05-04	Morning	9:35 AM	12:35 PM	Public