

Licensing and Standards Committee

Meeting No.	6	Contact	Helen Smith, Manager
Meeting Date	Friday, June 29, 2007	Phone	416-392-0146
Start Time	9:30 AM	E-mail	lsc@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 - May 4, 2007

LS6.1	Information	Amended	Policy	
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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-4505.pdf>)

Communications

(June 29, 2007) letter from Mohammed Hakimzadah (LS.New.LS6.1.1)

Decision Advice and Other Information

The Licensing and Standards Committee requested that the Executive Director, Municipal Licensing and Standards report to the Licensing and Standards Committee at its meeting to be held on October 5, 2007 on:

- a. *Re-examining the threshold limits with respect to:*
 - i. *incidents not number of tickets per incident;*
 - ii. *criminal versus non-criminal offences;*
- b. *Where a driver is charged with multiple offences, one offence may be used for the purposes of applying the rules relating to calculating thresholds;*
- c. *Raising the threshold to 10;*
- d. *Eliminating the requirement for a trip sheet; and*
- e. *The feasibility of refining thresholds to reconsider minor infractions at a lesser level.*

LS6.2	ACTION	Received		Ward: All
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Noise from the Operation of Construction Equipment on Sundays and Statutory Holidays

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

Committee Recommendations

The Licensing and Standards Committee recommends that Council receive the report (May 25, 2007) from the Executive Director, Municipal Licensing and Standards.

Financial Impact

With the adoption of the amendments to Chapter 591, Noise, of the Toronto Municipal Code proposed in this report, together with the amendments to the by-law adopted in 2006 related to noise from loudspeakers and other amplification devices, and noise from construction activities in low-rise residential neighbourhoods on Sundays and statutory holidays, the equivalent of six full time employees (FTE's) will need to be added to the Municipal Licensing and Standards Division complement to alleviate additional pressures on enforcement staff and to avoid further

service levels impacts. Additionally, it is estimated that 0.2 FTEs of administrative support will be required to support the officers.

The hiring of additional staff will add a pressure to the 2008 operating budget of approximately \$523,943 based on \$442,943 for salary and benefits, plus \$63,000 in additional start-up and annual operating costs (e.g., computers, software, clothing, workstation, mileage, and training) related to enforcement and \$18,000 for administrative support (annualized based on 2008 rates).

Additionally, to support the bylaw, and those affected by the city-wide prohibition, a communications strategy will need to be developed with messaging for specific audiences including the construction industry and the general public. The public education campaign will include advertising in a variety of media and City of Toronto publications, developing supporting materials such as fact sheets and a brochure and posting of information on the City of Toronto web site. A budget of \$20,000 is required to support the bylaw to help ensure effective implementation. A funding request for this initiative will be included in the 2008 operating budget submission.

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

Summary

The proposed amendment, referred to the Executive Director, Municipal Licensing and Standards Division by Council at its meeting of September 25, 26, 27 and 28, 2006, will be difficult to enforce as determination of the distancing factor will be onerous.

To increase the ability to enforce the provision, the amendment should be simplified to prohibit noise from the use of construction equipment on Sundays and holidays, excluding the continuous pouring of concrete and large crane work, necessary municipal work, and any emergency work that cannot be performed during regular business hours. Additionally the terms “regular business hours,” “continuous pouring of concrete,” “large crane work” and “necessary municipal work” should also be defined.

The report was prepared in consultation with Technical Services, Transportation Services, Toronto Water, Toronto Building, Legal Services, and the Toronto Transit Commission.

Background Information

Noise from the Operation of Construction Equipment on Sundays and Statutory Holiday (<http://www.toronto.ca/legdocs/mmis/2007/ls/bgrd/backgroundfile-4506.pdf>)

Communications

(June 27, 2007) letter from Jean A. Smith (LS.New.LS6.2.1)

LS6.3	Information	Deferred		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-4507.pdf>

Decision Advice and Other Information

The Licensing and Standards Committee deferred consideration of the report (May 25, 2007) from the Executive Director, Municipal Licensing and Standards, to the next meeting of the Licensing and Standards Committee to be held on September 11, 2007 for public presentation and debate.

LS6.4	Information	Received		Ward: All
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Report on Outcome of Application to Quash Pedicab By-law

(May 25, 2007) Report from City Solicitor

Financial Impact

There are no financial implications resulting from the adoption of this report.

Summary

A pedicab operator brought an application to the Superior Court to quash By-laws 1049-2004 and 512-2005 (the “Pedicab By-laws”) on the grounds that the Pedicab By-laws were, among other things, passed in bad faith, contained arbitrary restrictions and were prohibitory in that they would serve to put pedicab operators out of business.

Mr. Justice Belobaba heard the application and, in a decision released May 4, 2007, largely dismissed it. The Pedicab By-laws were upheld, except for the provision that imposed a maximum fare rate of \$30 for the first half-hour and \$15 for each successive half hour, or parts thereof.

Mr. Justice Belobaba held that the maximum fare restrictions were imposed without notice to stakeholders and without sufficient due diligence as to the appropriateness or likely impact of the rates that Council imposed. Therefore, he held that the rates were arbitrary and passed in bad faith.

Mr. Justice Belobaba did find that Council had jurisdiction to impose maximum fare restrictions, provided that the correct procedure was followed.

Mr. Langille was ordered to pay the City \$6,500 as partial compensation for legal expenses incurred by the City in responding to this application.

Background Information

Report on Outcome of Application to Quash Pedicab By-law
<http://www.toronto.ca/legdocs/mmis/2007/ls/bgrd/backgroundfile-4508.pdf>

Decision Advice and Other Information

The Licensing and Standards Committee received the report (May 25, 2007) from the City Solicitor, with congratulations.

LS6.5	Information	Amended		
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Hot Weather Response Plan Update

(April 16, 2007) Letter from Board of Health

Summary

The Board of Health on April 16, 2007, considered a report (April 10, 2007) from the Medical Officer of Health, providing a summary of Toronto's Heat Warning System and Hot Weather Response Plan, including the implementation of the Hot Weather Response Plan in the summer of 2006. It also provides an overview of heat response measures in other jurisdictions.

Background Information

Letter (April 16, 2007) from the Board of Health

(<http://www.toronto.ca/legdocs/mmis/2007/ls/bgrd/backgroundfile-4509.pdf>)

Hot Weather Response Plan Update

(<http://www.toronto.ca/legdocs/mmis/2007/ls/bgrd/backgroundfile-4510.pdf>)

Decision Advice and Other Information

The Licensing and Standards Committee requested that the Executive Director, Municipal Licensing and Standards include in the report to the Licensing and Standards Committee, requested by the Committee at its meeting held on January 19, 2007, on options to license landlords and/or rental properties, consideration of:

1. *the feasibility of requiring a maximum temperature provision for new buildings;*
2. *the feasibility of requiring at least one area of each rental apartment building to set aside a cooling centre where residents could seek emergency relief during hot weather; and*
3. *a possible requirement that would prohibit a landlord preventing a tenant installing a window air conditioner, subject to certain standards of noise attenuation.*

LS6.6	Information	Received		
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Wheelchair Accessible Distance Based Taxi Service - Information Report

(May 11, 2007) Letter from General Secretary, Toronto Transit Commission

Summary

The Toronto Transit Commission adopted the following motions:

1. That the Commission receive the report and presentation for information, noting the revised

timetable associated with the Proposal, as detailed in the presentation.

2. In order to be considered for the provision of Accessible Taxi Service under contract to Wheel-Trans Operations, be it resolved that individuals must have an Ambassador Taxi License and successfully complete the “W” training provided by the City of Toronto.

3. Noting that Accessible Taxi Drivers currently under contract to Wheel-Trans Operations were required to purchase an accessible vehicle at considerable cost, be it further resolved that Accessible Taxi Owners/Operators with vehicles scheduled for retirement after December 31, 2007 be allowed to continue serving Wheel-Trans customers under the following conditions:

(a) They comply with any other qualification or recruitment requirements stipulated by the contractor awarded this work.

(b) For the purpose of the Wheel-Trans Accessible Taxi Contract, successfully complete training equivalent to the Ambassador Course which will be provided by the City of Toronto Licensing and Standards.

(c) Agree that only the Accessible Taxi Owner will be permitted to operate these vehicles in the provision of service under this contract.

4. Be it further resolved that this report be forwarded to the City of Toronto Licensing and Standards Committee for information and appropriate action and by-law amendments.

The foregoing is forwarded to the City Licensing and Standards Committee for information and necessary action, as noted above.

Background Information

Letter May 11, 2007 from General Secretary, Toronto Transit Commission

<http://www.toronto.ca/legdocs/mmis/2007/ls/bgrd/backgroundfile-4511.pdf>

Report 2 - Wheelchair Accessible Distance Based Taxi Service

<http://www.toronto.ca/legdocs/mmis/2007/ls/bgrd/backgroundfile-4512.pdf>

Decision Advice and Other Information

The Licensing and Standards Committee received the letter (May 11, 2007) from the General Secretary, Toronto Transit Commission.

LS6.7	Information	Referred		
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Use of Hybrid Vehicles as Taxicabs and Limousines

(May 30, 2007) Member Motion from Councillor Howard Moscoe, Ward 15 Eglinton-Lawrence

Summary

The Municipal Licensing and Standards staff, in conjunction with the City Legal Services, report to the Licensing and Standards Committee at its meeting on September 11, 2007 on the feasibility of amending the vehicle type and size requirements for licensed taxicabs and limousines in the City of Toronto Municipal Code, Chapter 545-Licensing, to allow for the use of hybrid vehicles as taxicabs and limousines, and to better meet the needs of the traveling public.

Background Information

Use of hybrid vehicles as taxicabs and limousines

(<http://www.toronto.ca/legdocs/mmis/2007/ls/bgrd/backgroundfile-5120.pdf>)

Decision Advice and Other Information

The Licensing and Standards Committee referred the item to Deputy City Manager Richard Butts and the Deputy City Manager and Chief Financial Officer, to be considered in conjunction with their review of the report on Clean Air and Sustainable Energy Plan which is being considered by Council at its next meeting, and requested that staff include consideration of low-emission, ultra-low emission, and super-ultra-low emission vehicles.

LS6.8	Information	Referred		
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Prohibit the Sale of Spray Paint to Persons under the Age of 18

(June 8, 2007) Letter from Councillor Paul Ainslie, Ward 43 - Scarborough East

Summary

Banning the purchase of spray paint to persons under 18 would place a barrier for the easy access of the product.

Background Information

Prohibit the sale of spray paint to persons under the age of 18

(<http://www.toronto.ca/legdocs/mmis/2007/ls/bgrd/backgroundfile-5119.pdf>)

Decision Advice and Other Information

The Licensing and Standards Committee requested that the Executive Director, Municipal Licensing and Standards, the Clean and Beautiful City Secretariat and the City Solicitor, as appropriate, report to the Licensing and Standards Committee on:

1. The City's capacity to ban the possession of graffiti paraphernalia; and
2. The City's capacity to more effectively enforce the by-laws requiring utility companies to repair utility boxes on private property and to require the repairs to be made within 3 days of the offence being committed.

LS6.9	Information	Referred		
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Enforcement of the Airport Exemption

Summary

Memorandum ((June 28, 2007) from Councillor Howard Moscoe advising that the airport exemption is scheduled to go into effect at the end of September.

Communications

(June 28, 2007) memo from Councillor Howard Moscoe (LS.Supp)

(<http://www.toronto.ca/legdocs/mmis/2007/ls/comm/communicationfile-3026.pdf>)

(June 22, 2007) e-mail from Marketwire (LS.Supp)

(<http://www.toronto.ca/legdocs/mmis/2007/ls/comm/communicationfile-3027.pdf>)

Decision Advice and Other Information

The Licensing and Standards Committee requested that:

1. *the Executive Director, Municipal and Licensing Standards, report to the September 11, 2007 meeting of the Licensing and Standards Committee on a protocol for the enforcement of the repeal of the airport exemption, to go into effect October, 2007, this protocol to:*
 - a. *address the issue of enforcement at:*
 - i. *hotels; and*
 - ii. *the pick-up at other locations; and*
 - b. *address the issue that airport taxis and limousines are currently establishing internet-based pre-booking arrangements for customers;*
2. *In developing the protocol, the Municipal and Licensing Standards staff, in conjunction with the Chair, Vice Chair and other interested Members of the Licensing and Standards Committee meet with Toronto Police Services (as Council previously directed) to develop this protocol in co-operation with Toronto Police Services;*
4. *The Clerk give notice of a public hearing to take place at the September meeting of the Licensing and Standards Committee, that Council intends to increase the licensing fee specifically to enforce the repeal of the airport exemption with funds that are exclusively to be dedicated to that purpose and that the Executive Director, Municipal Licensing and Standards, report on the resources that will be required for this purpose.*

LS6.10	Information	Referred		
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Unlicensed Drivers Operating Toronto Taxicabs

Summary

Letter (March 20, 2007) from John McIntyre regarding unlicensed drivers operating Toronto taxicabs.

Communications

(March 20, 2007) letter from John McIntyre (LS.Supp)

<http://www.toronto.ca/legdocs/mmis/2007/ls/comm/communicationfile-3028.pdf>

Decision Advice and Other Information

The Licensing and Standards Committee requested that the Executive Director, Municipal Licensing and Standards report to the Licensing and Standards Committee at its meeting in January, 2008, on the possibility of requirements that:

1. In the event a driver operating a Taxicab in Toronto is stopped by the Police or a Licensing Enforcement Officer (LEO) and is unable to produce a valid cab driver's licence as required by Municipal Code Chapter 545-134-E, then the taxi plate affixed to the vehicle shall be immediately be removed from the vehicle in question;
2. The seized taxi plate shall remain in the custody of Municipal and Licensing Standards until after the registered Plate Owner and/or Designated Agent and/or Lessee appear before the Toronto Licensing Tribunal to determine if their respective licences should be suspended, revoked, or have conditions placed upon them pursuant to the provisions of the City of Toronto Municipal Code;
3. In order to ensure that a cab licence (if produced) is authentic, as opposed to a "loaner" from a licenced friend or relative, the LEO shall now request to see the driver's provincial licence and/or any other personal picture ID, and confirm that the name and particulars on the latter match that on the cab licence provided – if not then 1. applies;
4. The unlicensed driver in question shall be flagged and prohibited from making an application for a cab driver's licence for a period of five years, and/or if the individual has already made an application for a cab driver's licence which has been approved, and has not yet attended the course, he shall be disqualified from attending the course, forfeit his fees, and be subject to the five-year prohibition; and
5. Any licensed driver who is found to have "loaned" his licence to an unlicensed driver shall be required to appear before the Toronto Licensing Tribunal.

LS6.11	Information	Referred		
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Pay for Parking at Various Multi-Residential Rental Properties.

Summary

Notice of Motion (June 29, 2007) from Councillor Anthony Perruzza regarding the legitimacy of visitors being required to pay for parking at various multi-residential rental properties.

Communications

(June 29, 2007) Member Motion from Councillor Anthony Perruzza (LS.Supp)
<http://www.toronto.ca/legdocs/mmis/2007/ls/comm/communicationfile-3029.pdf>

Decision Advice and Other Information

The Licensing and Standards Committee requested that the Executive Director, Municipal Licensing and Standards report to the Licensing and Standards Committee meeting to be held on September 11, 2007 on whether or not these landlords can legitimately charge visitors to park at these addresses:

20 Broadoaks Drive;
 25 Broadoaks Drive;
 11 Catford Road;
 Townhomes on Flax Gardenway;
 5000 Jane Street;
 3710 Keele Street;
 Townhomes on Red Cedarway;
 4001 Steeles Avenue;
 2 *Armel Court*; and
 60 *Esther Lorrie Drive*.

Meeting Sessions

Session Date	Session Type	Start Time	End Time	Public or Closed Session
2007-06-29	Morning	9:40 AM	12:35 PM	Public