

Licensing and Standards Committee

Meeting No.	9	Contact	Dela Ting, Acting Administrator
Meeting Date	Friday, November 30, 2007	Phone	416-397-7769
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*
- *Any amendments by Committee to recommendations appearing in a staff report are italicized.*
- *Other action taken by the Committee on its own authority, which does not require Council's approval, is listed in the decision document under the heading "Decision Advice and Other Information".*
- *Declarations of Interest, if any, appear at the end of an item.*

Minutes Confirmed - November 2, 2007

LS9.1	Information	Amended		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

Decision Advice and Other Information

The Licensing and Standards Committee requested the Executive Director, Municipal Licensing and Standards to:

1. advise the residents and landlords of the identified buildings located in North York of the actions being undertaken by posting this information in buildings;
2. survey Members of City Council to determine if there is support for extending the North York Zoning By-law across the City of Toronto; and

3. advise Rick Yow Foo, Supervisor, Toronto Police Services Parking Enforcement Unit, that North York Zoning By-laws prohibit charging for visitors' parking in rental buildings.

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>)

LS9.2	ACTION	Deferred		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

Decision Advice and Other Information

The Licensing and Standards Committee:

1. deferred consideration of the report (October 19, 2007) from the Executive Director, Municipal Licensing and Standards, respecting Right to Enter Adjoining Land to Make Repairs, to the first meeting of the Licensing and Standards Committee, following the summer recess of 2008 on September 11, 2008; and
2. requested the Executive Director, Municipal Licensing and Standards, in consultation with the Chief Building Official/Executive Director, the City Solicitor, and any other pertinent City Division, as required, to report back to the Licensing and Standards Committee on the feasibility and financial impacts of establishing a permitting system, similar to the one used by the City of Ottawa, to regulate the right to enter adjoining land to make repairs and alterations.

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/ls/bgrrd/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)
 (November 22, 2007) e-mail from Robert Burton, Burton-Lesbury Holdings Limited/Cobob Holdings Limited (LS.New.LS9.2.15)
 (November 26, 2007) letter from David E. Bawden, President, York Mills Ratepayers' Association (LS.New.LS9.2.16)
 (November 27, 2007) e-mail from Nicholas Woodbridge (LS.New.LS9.2.17)
 (November 2, 2007) e-mail from Eileen Denny (LS.New.LS9.2.18)
 (November 30, 2007) e-mail from Patrick Daky (LS.New.LS9.2.19)
 (November 28, 2007) letter from Cindy Weiner, President, At. Andrew's Ratepayers Association (LS.New.LS9.2.20)
 (November 30, 2007) letter from Hilde Reis-Smart, Secretary, on behalf of John Smith, President, Teddington Park Residents Association (LS.New.LS9.2.21)

LS9.3	ACTION	Referred		Wards: 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

Decision Advice and Other Information

The Licensing and Standards Committee:

1. deferred consideration of the (October 26, 2007) letter from Councillor Mike Del Grande, Ward 39 - Scarborough Agincourt, requesting Council to amend the Marijuana Grow Operations Enforcement Cost Recovery By-law; and
2. requested the City Solicitor to report to the Licensing and Standards Committee, for its meeting on September 11, 2008, on incorporating the portion dealing with Clandestine Labs to the Marijuana Grow Operations Enforcement Cost Recovery By-law.

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	Amended		Wards: All
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Review of Taxicab Licensing Thresholds

(Public Notice given)

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

Committee Recommendations

The Licensing and Standards Committee recommends that Council:

1. adopt the amendments to Appendix K of Toronto Municipal Code Chapter 545, Licensing, in Appendix A of the report (November 13, 2007) from the Executive Director, Municipal Licensing and Standards, to replace the current bylaw thresholds with a demerit-point system;
2. adopt the amendments to Toronto Municipal Code Chapter 545, Licensing, in Appendix B of the report (November 13, 2007) from the Executive Director, Municipal Licensing and Standards, to effectively replace the current requirement for taxicab drivers to maintain trip sheets with one to maintain an operator log;
3. adopt the amendments to Appendix D of Toronto Municipal Code Chapter 545, Licensing, in Appendix C of the report (November 13, 2007) from the Executive Director, Municipal Licensing and Standards, to replace the sample trip sheet with a

sample operator log; and

4. authorize and direct City staff to take any other action necessary to implement the proposed bylaw amendments.

Decision Advice and Other Information

The Licensing and Standards Committee requested the Executive Director, Municipal Licensing and Standards, to report to the Licensing and Standards Committee on the feasibility of a by-law amendment that would require the removal of a plate if a driver fails to display a license, or is found to be driving without a valid license and further, under such a system, if a vehicle is found to be driven by an unlicensed driver, the owner be required to appear before the Tribunal.

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>)

Communications

(November 28, 2007) e-mail from Jim Bell, President, Toronto Taxicab Alliance (LS.New.LS9-4.1)

LS9.5	Information	Received		Wards: All
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Enforcement of Unlicensed Limousines

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

Decision Advice and Other Information

The Licensing and Standards Committee received the report (November 16, 2007) from the Executive Director, Municipal Licensing and Standards, for information.

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	Amended		Wards: All
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Review of Limousine Licensing Regulations, including the Transport of Passengers to the Airport

(Public Notice given)

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

Committee Recommendations

The Licensing and Standards Committee recommends that Council:

1. amend Toronto Municipal Code, Chapter 545, Licensing, by:
 - a. 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 rearing 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 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 of November 30, 2007, being the date of the meeting of Licensing and Standards Committee;
2. direct the City Solicitor to prepare the necessary bill to give effect to the recommendations from this report, as adopted by Council; and
3. authorize and direct City staff to take any other action necessary to implement the recommendations from this report, as adopted by Council.

Decision Advice and Other Information

The Licensing and Standards Committee requested:

1. 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 to undertake a review of the standards and regulations applicable to limousines licensed by the City of Toronto and report to the Licensing and Standards Committee by December, 2008;
2. the City Solicitor to report directly to City Council, for its meeting on December 11, 2007, on the feasibility of the following amendment:

That Recommendation 2 in the report (November 16, 2007) from the Executive Director, Municipal Licensing and Standards, be amended by adding the following words after 'Committee', "and no further consideration be given to applications that may have been filed by that date but have not been fully processed by that date", so that it reads as follows:

- "2. Adding to the Chapter a provision that will establish a maximum number of licenses to be issued for limousine owners, that number equalling the total number of licenses issued or applied for as of November 30, 2007, being the date of the meeting of Licensing and Standards Committee and no further consideration be given to applications that may have been filed by that date but have not been fully processed by that date";
3. the Executive Director, Municipal Licensing and Standards, to:
 - a. open a dialogue with the Ministry of Transportation to clarify the terms of the Public Vehicles Act, as it applies to picking up passengers in Toronto;
 - b. develop a licensing issuing formula, in consultation with all major stakeholders, accompanied by an economic impact study that must support any future licensing issued in the transportation sector;
 - c. develop a protocol, under an appeals process for enforcement under the City of

Toronto Act (COTA) under Authority to Establish Fines: Section 370(1), (2) and (3), where more severe penalties could be sought for offenders of the Act;

- d. report to the Licensing and Standards Committee on the feasibility of charging doormen at hotels and any other centres for taking payment "cookies", in soliciting transportation for hire vehicles;
- e. administratively clean up the language in the by-laws governing taxis, limousines and liveries and be authorized by Council to make changes as may be required; and
- f. undertake, in cooperation with the brokerages, an education program to notify the public and the drivers of the flat rate to the airport fee schedule now in place.

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>

Communications

(November 30, 2007) e-mail from Gerald H. Manley (LS.New.LS9.6.1)
 (November 28, 2007) e-mail from Jim Bell, President, Toronto Taxicab Alliance (LS.New.LS9.6.2)

LS9.7	ACTION	Adopted		Wards: 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

Committee Recommendations

The Licensing and Standards Committee recommends that:

1. City Council confirm that recommendation 1(c) contained in Planning and Transportation Committee Report No. 4, Clause 1 titled "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. Council repeal the residency requirement governing limousine owners contained in section 545-142A(4)(a) of Chapter 545, Licensing;
3. Council repeal the advertising approval requirements governing limousine owners contained in section 545-136B of Chapter 545;
4. Council enact the draft bill attached to the report (November 14, 2007) from the City Solicitor;
5. the Confidential Attachment to the report (November 14, 2007) from the City Solicitor 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>)

Communications

(November 29, 2007) e-mail from Andy Reti, on behalf of the Exemption Committee (LS.New.LS9.7.1)

LS9.8	ACTION	Amended		Wards: All
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Noise from the Operation of Construction Equipment on Sundays and Statutory Holidays

Committee Recommendations

The Licensing and Standards Committee recommends to City Council:

1. that the report (May 25, 2007) from the Executive Director, Municipal Licensing and Standards, referred back to the Licensing and Standards Committee by Council on July 16, 17, 18, and 19, 2007, be received; and
2. Municipal Code Chapter 591, Noise, be amended as necessary to delete the amendments respecting construction noise in residential low-rise areas made by By-law No. 505-2006, and that the City Solicitor, in consultation with the Executive Director, Municipal Licensing and Standards, be authorized to introduce the necessary bill in Council.

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 6.2

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

LS9.9	Information	Deferred		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

Decision Advice and Other Information

The Licensing and Standards Committee deferred consideration of the report (November 15, 2007) from the Executive Director, Municipal Licensing and Standards, to its meeting on February 15, 2008.

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	Referred		Wards: 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

Decision Advice and Other Information

The Licensing and Standards Committee:

1. referred the (November 19, 2007) letter from Councillor Rob Ford, Ward 2 - Etobicoke North, forwarding the petition signed by approximately 372 members of the public, submitted by Elizabeth Moskava and Marianne Moroney, to the Executive Director, Municipal Licensing and Standards, for a report to the Licensing and Standards Committee with a request that she include:
 - a. an outline of the by-laws governing vending and their history and purposes;

- b. an outline of the by-law provisions and their intended purposes;
 - c. problems caused by the amalgamation of the Metro and local Municipalities' Street Vending Systems;
 - d. protections for local businesses and the City of Toronto as a result of permitting food vendors to occupy public space;
 - e. modifications to the helpers' licenses to limit them to their intended purpose; and
 - f. a random analysis of current vending permits to determine the extent to which they conform to the existing provisions of the by-laws;
2. requested that the report be prepared in consultation with the City Solicitor and/or the Medical Officer of Health, or if staff determine it is more appropriate that the Medical Officer of Health be requested to report separately on the public health aspect of vending; and
 3. the report be part of her 2008 Work Plan.

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)

(November 26, 2007) e-mail from Fred Haywood (LS.New.LS9.10.2)

(November 29, 2007) e-mail from Anthony Chronopoulos, Toronto Street Food Vendors Association (LS.New.LS9.10.3)

(November 30, 2007) Submission from Marianne Moroney (LS.New.LS9.10.4)

(November 30, 2007) Submission from Tihomira Pachova (LS.New.LS9.10.5)

Meeting Sessions

Session Date	Session Type	Start Time	End Time	Public or Closed Session
2007-11-30	Morning	9:35 AM	11:10 AM	Public
2007-11-30	Morning	11:15 AM	12:30 PM	Public
2007-11-30	Afternoon	1:40 PM	3:50 PM	Public