

Licensing and Standards Committee

Meeting No.	8	Contact	Dela Ting, Acting Administrator
Meeting Date	Friday, November 2, 2007	Phone	416-397-7769
Start Time	9:30 AM	E-mail	lsc@toronto.ca
Location	Committee Room 1, City Hall		

Attendance

Members of the Licensing and Standards Committee were present for some or all of the time periods indicated under the section headed “Meeting Sessions”, which appears at the end of the Minutes.

Councillor Howard Moscoe (Chair)	X
Councillor Denzil Minnan-Wong (Vice Chair)	X
Councillor Sandra Bussin	R
Councillor Mike Del Grande	X
Councillor Rob Ford	X
Councillor Anthony Perruzza	X

Also in Attendance

Councillor Janet Davis	X
Councillor Cesar Palacio	X
Councillor Adam Vaughan	X

Confirmation of Minutes

On motion by Councillor Minnan-Wong, the Minutes of the meeting of the Licensing and Standards Committee held on September 11, 2007, were confirmed.

(Deferred from September 11, 2007 - 2007.LS7.7)

LS8.1	ACTION	Referred		Wards: All
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Nightclubs - Better Regulation and Enforcement of By-laws

(August 12, 2007) Letter from Councillor Vaughan, Ward 20 - Trinity-Spadina

Summary

Requesting that staff study and report to committee on the idea that would preclude businesses that operate as restaurants during the lunch hour from being licensed as nightclubs since they are operating during the day.

Communications

(November 2, 2007) Submission from Janice Solomon, TEDA (LS.New.LS8.1.1)

Speakers

Councillor Adam Vaughan, Ward 20 - Trinity-Spadina
Janice Solomon, TEDA (Submission Filed)

Decision Advice and Other Information

On motion by Councillor Moscoe, the Licensing and Standards Committee:

1. referred the letter (August 12, 2007) from Councillor Vaughan, Ward 20 - Trinity to the Executive Director, Municipal Licensing and Standards, for consideration and;
2. requested the Executive Director, Municipal Licensing and Standards and City Solicitor to report to the Licensing and Standards Committee.

Links to Background Information

2007-11-02-ls-8-1

<http://www.toronto.ca/legdocs/mmis/2007/ls/bgrd/backgroundfile-7184.pdf>

LS8.2	Information	Deferred		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

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.

Decision Advice and Other Information

On motion by Councillor Perruzza, the Licensing and Standards Committee deferred consideration of the report (September 19, 2007) from the Executive Director, Municipal Licensing and Standards, to its next meeting on November 30, 2007, for discussion and debate.

Links to Background Information

2007-11-02-ls8-2

(<http://www.toronto.ca/legdocs/mmis/2007/lbgrd/backgroundfile-7874.pdf>)

LS8.3	ACTION	Adopted		Wards: All
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Review of Applications to be Included in the City's List of Approved Professional Holistic Associations

(Public Notice given)

(September 19, 2007) Report from Executive Director, Municipal Licensing and Standards

Recommendations

1. The following three holistic associations be included 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. Ontario Natural Therapists Certification Program (ONTCP)
 - b. Reflexology Association of Canada
 - c. Ontario Osteopathic and Alternative Medicine Association
2. The City Solicitor be directed to prepare the necessary bill to give effect to the recommendations in this report, effective immediately; and,
 3. All other appropriate City officials be authorized and directed to take the necessary actions to give effect thereto.

Public notice has been given in a manner prescribed in the Toronto Municipal Code Chapter 162, Notice, Public.

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: the Ontario Natural Therapists Certification Program (ONTCP), the Reflexology Association of Canada and the Ontario Osteopathic and Alternative Medicine Association. 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 three associations adequately meet the criteria to be included in Toronto Municipal Code Chapter 545, Licensing, Appendix L, as Professional Holistic Associations.

Speakers

Spiros Koumoudouros, BIA Bloordale
Dr. Bruce Ally

Committee Recommendations

On motion by Councillor Perruzza, the Licensing and Standards Committee recommended that:

1. the following three holistic associations be included 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:

Ontario Natural Therapists Certification Program (ONTCP)
Reflexology Association of Canada
Ontario Osteopathic and Alternative Medicine Association

2. the City Solicitor be directed to prepare the necessary bill to give effect to the recommendations in this report, effective immediately; and
3. all other appropriate City officials be authorized and directed to take the necessary

actions to give effect thereto.

Motions

Defer motion moved by Councillor Mike Del Grande (Lost)

That the report (September 19, 2007) from the Executive Director, Municipal Licensing and Standards be deferred for consideration.

FOR: Councillor Del Grande (1)

AGAINST: Councillors Ford, Minnan-Wong, Moscoe and Perruzza (4)

ABSENT: Councillor Bussin

Links to Background Information

2007-11-02-ls8-3

<http://www.toronto.ca/legdocs/mmis/2007/ls/bgrd/backgroundfile-7878.pdf>

LS8.4	ACTION	Amended		Wards: All
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City Council Initiate Enforcement Action Under Chapter 485, Graffiti, Against Private Utility Companies

(October 2, 2007) Letter from City Council

Summary

City Council on September 26 and 27, 2007 referred the following Motion (M117) moved by Councillor Minnan-Wong to the Licensing and Standards Committee for consideration:

- "1. That City Council immediately direct the Director of Municipal Licensing and Standards to devote resources to surveying the City of Toronto for the purposes of identifying all utility structures with graffiti on them.
2. That City Council request confirmation from the City Solicitor that enforcement against utility companies is provided for under Chapter 485, Graffiti.
3. That the Director of Municipal Licensing and Standards immediately pursue enforcement under Chapter 485, Graffiti, against the private utility companies for failure to keep their property free of graffiti."

Communications

(November 1, 2007) e-mail from Rick Engelhardt, Regional Manager - Development and Municipal Services, Ontario Bell Canada, Re (LS.New.LS8.4.1)

(November 1, 2007) e-mail from Rich Englehardt, Bell Canada, Regional Manager - Development and Municipal Services, Ontario (LS.New.ReLS8.4.1)

Committee Recommendations

On motion by Councillor Moscoe, the Licensing and Standards Committee recommended that City Council direct the Executive Director, Municipal Licensing and Standards to:

1. initiate a pilot utility graffiti enforcement program (including Canada Post boxes) in each Committee Member's Ward;
2. immediately write to all utilities advising them of the pilot utility graffiti enforcement program;
3. select a pilot enforcement area of not less than two square kilometres in each ward of the Committee Members;
4. issue notices to the respective utility for each infraction and the properties be inspected after 72 hours;
5. if necessary, re-issue notices and the properties again be inspected after 72 hours;
6. remove all remaining graffiti and charge back the cost to the utilities via their tax bill; and
7. report on progress to the Licensing and Standards Committee, in writing, and monthly until the pilot is completed, the results of the pilot project to be used to formulate an enforcement policy with respect to utilities.

which was carried unanimously.

FOR: Councillors Del Grande, Ford, Minnan-Wong, Moscoe and Perruzza (5)

AGAINST: 0

ABSENT: Councillor Bussin

Links to Background Information

2007-11-02-Is8-4

<http://www.toronto.ca/legdocs/mmis/2007/ls/bgrd/backgroundfile-7879.pdf>

LS8.5	ACTION	Amended		Wards: 8, 9, 10, 15, 16, 23, 24, 25, 26, 33, 34
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Billboard Signs

(October 4, 2007) Letter from City Council

Summary

City Council, on September 26 and 27, 2007, referred the following Recommendations 1b., 1c., 2. and 3. of North York Community Council Item 8.60 to the Licensing and Standards

Committee for consideration:

- “1. directed the Chief Building Official to:
- b. review the method by which sign permits in the North York District are issued in the North York District and recommend changes that will preserve the integrity of the by-laws and the permitting system; and
 - c. report on what increases to the permit fees will be necessary to hire sufficient staff to properly process the sign applications and ensure that there is sufficient staff to do the necessary inspections to ensure compliance with the Sign By-laws.
2. directed the Chief Building Official, in consultation with the City Solicitor, to revoke all permits where there is clear evidence that signs have been erected in violation of the permit issued or where permits have been issued on the basis of false information.
3. directed that the letter (August 29, 2007) from Mr. Rami Tabello regarding the interpretation of the City of Toronto Act, Section 110(1) with respect to advertising content, be referred to the City Solicitor for an interpretation as it relates to third party copy on first party signs.”

Communications

(October 31, 2007) e-mail from Rami Tabello, Coordinator, IllegalSigns.ca (LS.New.LS8.5.1)
 (November 1, 2007) e-mail from Devon Ostrom (LS.New.LS8.5.2)
 (November 2, 2007) Submission from Jonathan Goldsbie, Toronto Public Space Committee (LS.New.LS8.5.3)

Speakers

Rami Tabello, Co-ordinator, IllegalSigns.ca (Submission Filed)
 Jonathan Goldsbie, Toronto Public Space Committee (Submission Filed)
 Councillor Cesar Palacio, Ward 17 - Davenport

Decision Advice and Other Information

On motion by Councillor Moscoe, the Licensing and Standards Committee recommended that City Council:

1. direct the Chief Building Official to:
 - a. investigate the specific sign location, as provided by Mr. Rami Tabello and Mr. Jonathan Goldsbie (in communications LS8.5.1 and LS8.5.3) and report back to the Licensing and Standards Committee in four months;
 - b. review the method by which sign permits are issued and recommend changes that will preserve the integrity of the by-laws and the permitting system;
 - c. report on what increases to the permit fees will be necessary to hire sufficient staff to properly process the sign applications and ensure that there is sufficient

staff to do the necessary inspections to ensure compliance with the Sign By-laws; and

- d. in consultation with the City Solicitor, revoke all permits where there is clear evidence that signs have been erected in violation of the permit issued or where permits have been issued on the basis of false information;
2. refer the letter (August 29, 2007) from Mr. Tabello regarding the interpretation of the City of Toronto Act, Section 110(1) with respect to advertising content to the City Solicitor with a request that she report to the Committee with an interpretation as it relates to third party copy on first party signs; and

(Motion by Councillor Minnan-Wong)

3. request that the Licensing and Standards Committee refer the forthcoming report from the Chief Building Official/Executive Director and the Executive Director, Municipal Licensing and Standards to the Community Councils with respect to ongoing inspection enforcement activities in their respective areas.

Declared Interests (Committee)

Councillor Rob Ford - declared an interest in this matter in that his family owns property in the area.

Links to Background Information

2007-11-02-ls8-5

<http://www.toronto.ca/legdocs/mmis/2007/l/bgrd/backgroundfile-7887.pdf>

5a Request for Comprehensive Billboard Audit

(October 17, 2007) Letter from Councillor Palacio, Ward 17 - Davenport

Summary

Requesting that the Licensing and Standards Committee consider the following motions concurrent with other motions before the Committee on billboards:

1. That Municipal Licensing and Standards staff undertake a comprehensive Billboard Audit of the City of Toronto over the next 6 months that identifies all billboards, illegal billboards and third party signage, including those billboards that have not complied with the conditions that they were approved under;
2. Staff work with local Councillors, the Toronto Public Space Committee and other interested community organizations to locate and ascertain the locations and legality of these billboards; and
3. This audit report include a plan to bring all illegal or non-conforming billboards in the

City of Toronto into compliance.

Links to Background Information

2007-11-02-Is8-5a

(<http://www.toronto.ca/legdocs/mmis/2007/ls/bgrd/backgroundfile-7886.pdf>)

LS8.6	ACTION	Amended		Wards: All
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Taxicab Owner's Refresher Training Course

(Public Notice given)

(September 26, 2007) Report from Executive Director, Municipal Licensing and Standards

Recommendations

The Executive Director, Municipal Licensing and Standards Division recommends that:

1. Toronto Municipal Code - Chapter 441 Fees be amended to include a Training Fee of \$120.00 for the two-day Taxicab Owner's Refresher Training Course;
2. Toronto Municipal Code - Chapter 441 Fees be amended to include a fee of \$25.00 for rescheduling attendance at the two-day Taxicab Owner's Refresher Training Course;
3. Toronto Municipal Code - Chapter 545 be amended to require an owner who is unable to attend the refresher course, due to medical reasons, be required to attend within two years of first notification of the requirement to attend the course; and further that the Executive Director, Municipal Licensing and Standards report back within two years of the commencement of the course on the number of owners who were unable to attend the course due to medical reasons.
4. The City Solicitor be directed to prepare the necessary bill to give effect to the recommendations from this report, as adopted by Council; and
5. City staff be authorized and directed 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. Related costs associated with the implementation of the taxicab owner's refresher training course can be accomplished within existing resources on a cost recovery basis.

Summary

Municipal Licensing and Standards is reporting to the Committee with respect to establishing a

fee for the taxicab owner's refresher training course in accordance with By-law No. 93-2003, enacted and passed by City Council on February 7th, 2003.

On December 14, 15, 2006, Municipal Licensing and Standards training staff conducted a pilot presentation of the proposed two-day taxicab owner's refresher training course with a group of key stakeholders from the taxicab industry. Consensus was achieved with respect to the duration of the course and curriculum.

Communications

(October 30, 2007) e-mail from Gerald H. Manley (LS.New.LS8.6.1)

(October 31, 2007) letter from Jim Bell, President, Toronto Taxicab Alliance (TTA) (LS.New.LS8.6.2)

Speakers

Jim Bell, President, Toronto Taxicab Alliance (Submission Filed)

Committee Recommendations

On motion by Councillor Minnan-Wong, the Licensing and Standards Committee recommended that City Council:

1. amend Toronto Municipal Code - Chapter 441 Fees to include a Training Fee of \$120.00 for the two-day Taxicab Owner's Refresher Training Course;
2. amend Toronto Municipal Code - Chapter 441 Fees to include a fee of \$25.00 for rescheduling attendance at the two-day Taxicab Owner's Refresher Training Course;
3. amend Toronto Municipal Code - Chapter 545 to require an owner who is unable to attend the refresher course, due to medical reasons, to attend the course within two years of first notification of the requirement; and further that the Executive Director, Municipal Licensing and Standards report back within two years of the commencement of the course on the number of owners who were unable to attend the course due to medical reasons; and
4. direct the City Solicitor to prepare the necessary bill to give effect to the recommendations from this report, as adopted by Council; and
5. authorize and direct City staff to take any other action necessary to implement the recommendations from this report, as adopted by Council.

Links to Background Information

2007-11-02-ls8-6

(<http://www.toronto.ca/legdocs/mmis/2007/lb/bgrd/backgroundfile-7881.pdf>)

LS8.7	ACTION	Adopted		Wards: All
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Limousine Driver Training Programme

(Public Notice given)

(September 12, 2007) Report from Executive Director, Municipal Licensing and Standards

Recommendations

The Executive Director, Municipal Licensing and Standards Division recommends that:

1. Municipal Code - Chapter 545 - Article XXXIX be amended to include a mandatory five-day Limousine Driver Training Course for new applicants wishing to obtain a licence to drive a limousine in the City of Toronto;
2. Municipal Code - Chapter 545 - Article XXXIX be amended to include a mandatory two-day Limousine Driver/Owner Refresher Training Course, to be taken by existing limousine drivers and owners who drive, once every four years;
3. Municipal Code - Chapter 545 - Article XXXIX be amended to include the requirement that an individual prior to the issuance of a limousine driver's licence and once every four years thereafter, be required to successfully complete a one-day first aid and cardiopulmonary resuscitation course provided by Toronto's Emergency Medical Services (EMS), or by such agency as may be approved by the Executive Director of Municipal Licensing and Standards;
4. Municipal Code - Chapter 441 Fees be amended to include a Training Fee of \$300.00 for the five-day Limousine Driver Training Course for new applicants;
5. Municipal Code - Chapter 441 Fees be amended to include a Training Fee of \$120.00 for the two-day Limousine Driver/Owner Refresher Training Course;
6. Municipal Code - Chapter 441 Fees be amended to include a fee of \$25.00 for rescheduling attendance at the five-day Limousine Driver Training Course;
7. Municipal Code - Chapter 441 Fees be amended to include a fee of \$25.00 for rescheduling attendance at the two-day Limousine Driver/Owner Refresher Training Course;
8. Municipal Code - Chapter 441 Fees be amended to include a fee of \$55.00 for a one-day first aid and cardiopulmonary resuscitation (CPR) course provided by Toronto's Emergency Medical Services Division (EMS), and a fee of \$25.00 for rescheduling of this course if necessary;
9. the City Solicitor be directed to prepare the necessary bill to give effect to the recommendations from this report; and
10. City staff be authorized and directed to take any other action necessary to implement the recommendations from this report.

Financial Impact

There are no financial impacts arising from this report beyond what has already been approved in the current year's budget. Related costs associated with the implementation of the Limousine Driver Training Programme can be accomplished within existing resources on a cost recovery basis.

Summary

As directed by City Council, Municipal Licensing and Standards is reporting back to the Licensing and Standards Committee with respect to establishing a training programme for limousine driver applicants and for existing limousine drivers and owners who drive, and on the costs and implementation issues relating to the delivery of this training programme.

After consultation with the limousine industry, Municipal Licensing and Standards recommends establishing a 5-day training course for limousine driver applicants, a 2-day refresher course for existing limousine drivers and owners that drive, to be taken once every four years and the requirement of applicants completing a First Aid/CPR course prior to the issuance of a licence and once every four years prior to renewal of such licence.

Committee Recommendations

On motion by Councillor Minnan-Wong, the Licensing and Standards Committee recommended that City Council:

1. amend Municipal Code - Chapter 545 – Article XXXIX to include a mandatory five-day Limousine Driver Training Course for new applicants wishing to obtain a licence to drive a limousine in the City of Toronto;
2. amend Council amendMunicipal Code - Chapter 545 – Article XXXIX be amended to include a mandatory two-day Limousine Driver/Owner Refresher Training Course, to be taken by existing limousine drivers and owners who drive, once every four years;
3. amend Municipal Code - Chapter 545 – Article XXXIX to include the requirement that an individual prior to the issuance of a limousine driver's licence and once every four years thereafter, be required to successfully complete a one-day first aid and cardiopulmonary resuscitation course provided by Toronto's Emergency Medical Services (EMS), or by such agency as may be approved by the Executive Director of Municipal Licensing and Standards;
4. amend Municipal Code - Chapter 441 Fees to include a Training Fee of \$300.00 for the five-day Limousine Driver Training Course for new applicants;
5. amend Municipal Code - Chapter 441 Fees to include a Training Fee of \$120.00 for the two-day Limousine Driver/Owner Refresher Training Course;
6. amend Municipal Code – Chapter 441 Fees to include a fee of \$25.00 for rescheduling attendance at the five-day Limousine Driver Training Course;
7. amend Municipal Code – Chapter 441 Fees to include a fee of \$25.00 for rescheduling

attendance at the two-day Limousine Driver/Owner Refresher Training Course;

8. amend Municipal Code - Chapter 441 Fees to include a fee of \$55.00 for a one-day first aid and cardiopulmonary resuscitation (CPR) course provided by Toronto's Emergency Medical Services Division (EMS), and a fee of \$25.00 for rescheduling of this course if necessary;
9. direct the City Solicitor to prepare the necessary bill to give effect to the recommendations from this report; and
10. authorize and direct City staff be authorized to take any other action necessary to implement the recommendations from this report.

Links to Background Information

2007-11-02-ls8-7

<http://www.toronto.ca/legdocs/mmis/2007/l/bgrd/backgroundfile-7882.pdf>

LS8.8	ACTION	Amended		Wards: All
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Amendments to Municipal Code Chapter 447, Fences

(October 18, 2007) Report from Executive Director, Municipal Licensing and Standards

Recommendations

The Executive Director, Municipal Licensing and Standards Division recommends that:

1. Council adopt the proposed bylaw amendments to Municipal Code Chapter 447, Fences, 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; and
2. Council direct the City Solicitor to make the necessary amendments to Municipal Code Chapter 447, Fences.

Summary

This report includes recommendations to amend Toronto Municipal Code Chapter 447, Fences to address pool enclosure gates that use timed self-closing devices, four-sided fencing requirements, and the inappropriate use of temporary fencing materials in the construction of permanent fences. The current by-law does not include provisions to deal with these matters.

The recommendations are guided by the by-law's safety objectives. The recommendations have been informed by a review of by-laws in other Ontario municipalities and discussions with Safe Kids Canada, which is the national injury prevention program of The Hospital for Sick Children. The report's conclusions are that self-closing gates should meet strict safety standards, four-sided fencing should be employed in all new swimming pools, and the use of temporary fencing materials in the construction and erection of permanent line fences should be

prohibited, except where explicitly permitted under the by-law.

The City Solicitor and the Chief Building Official were consulted in the preparation of this report.

Communications

(October 31, 2007) e-mail from Rebecca Nesdale-Tucker, Manager, Public Policy and Advocacy, Safe Kids Canada/Securi Jeunes Canada (LS.New.LS8.8.1)

(November 1, 2007) e-mail from Councillor Janet Davis - Ward 31 Beaches-East York (LS.New.Re LS8.8.2)

Speakers

Councillor Janet Davis, Ward 31 Beaches-East York

Committee Recommendations

On motion by Councillor Del Grande, the Licensing and Standards Committee recommended that City Council:

1. adopt the proposed bylaw amendments to Municipal Code Chapter 447, Fences, 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. direct that any fencing material used to separate the enclosed pool area from any residential building on the property upon which the pool is situated, in accordance with Municipal Code Chapter 447-3(c)(a), shall be of a type which allows reasonable visibility of the pool from within the aforesaid residential building; and
3. direct the City Solicitor to make the necessary amendments to Municipal Code Chapter 447, Fences.

Motions

Amend motion moved by Councillor Howard Moscoe (Lost)

That Councillor Del Grande's motion be amended to provide for pool fencing instead of horizontal fencing.

FOR: Councillor Moscoe (1)

AGAINST: Councillors Del Grande, Ford, Minnan-Wong and Perruzza (4)

ABSENT: Councillor Bussin

Receive motion moved by Councillor Rob Ford (Lost)

That the report (October 18, 2007) from the Executive Director, Municipal Licensing and Standards be received for information.

FOR: Councillor Ford (1)

AGAINST: Councillors Del Grande, Minnan-Wong, Moscoe and Perruzza (4)

ABSENT: Councillor Bussin

Amend motion moved by Councillor Mike Del Grande (Carried)

That any fencing material used to separate the enclosed pool area from any residential building on the property upon which the pool area is situated, in accordance with Municipal Code Chapter 447-3(c)(a), shall be of a type which allows reasonable visibility of the pool from within the aforesaid residential building.

FOR: Councillors Del Grande, Ford, Minnan-Wong, Moscoe and Perruzza (5)

AGAINST: 0

ABSENT: Councillor Bussin

Links to Background Information

2007-11-02-ls8-8

(<http://www.toronto.ca/legdocs/mmis/2007/l/bgrd/backgroundfile-7883.pdf>)

LS8.9	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

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.

Communications

(October 31, 2007) e-mail from Barbara Wilkes (LS.New.LS8.9.1)

(October 31, 2007) e-mail from Fred Theysmeyer (LS.New.LS8.9.2)

(October 31, 2007) e-mail from Helaine Becker (LS.New.LS8.9.3)

(October 31, 2007) e-mail from Sy Landau (LS.New.LS8.9.4)

(November 1, 2007) e-mail from Councillor Cliff Jenkins - Ward 25 Don Valley
(LS.New.LS8.9.5)

(November 1, 2007) e-mail from Mike McKelvey, Board Member, Lawrence Park Ratepayers Association (LS.New.LS8.9.6)

(November 1, 2007) e-mail from John Dellevoet (LS.Main.LS8.9.7)

(November 2, 2007) e-mail from Gwen Rattle (LS.New.LS8.9.8)

Decision Advice and Other Information

On motion by Councillor Minnan-Wong, the Licensing and Standards Committee deferred consideration of the report (October 19, 2007) from the Executive Director, Municipal Licensing and Standards, to its next meeting on November 30, 2007.

Links to Background Information

2007-11-02-ls8-9

<http://www.toronto.ca/legdocs/mmis/2007/ls/bgrd/backgroundfile-7884.pdf>

LS8.10	ACTION	Deferred		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

Summary

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

Communications

(October 26, 2007) letter from Councillor Chin Lee, Scarborough Rouge River - Ward 41 (LS.New.LS8.10.1)

(November 1, 2007) letter from City Clerk (LS.New.LS8.10.2)

Decision Advice and Other Information

On motion by Councillor Del Grande, the Licensing and Standards Committee deferred consideration of the following to its next meeting on November 30, 2007, so that public notice may be given:

A. Motion by Councillor Del Grande:

"Whereas City Council recently adopted a new Municipal Code Chapter 565 - Marijuana Grow Operations, and amended Municipal Code Chapter 441 - Fees, to include charges for enforcement activities in respect of marijuana grow operations, illegal drug labs were not included;

The City Manager's Office, Toronto Police Service, Fire Services, Toronto Public Health, Toronto Building and Municipal Licensing and Standards incorporate illegal drug labs in the above by-law as soon as possible; and

The City Solicitor be requested to initiate discussions on co-ordinated efforts with senior levels of government, to enact laws that will allow for full cost recovery from illegal marijuana grow and drug lab operators, upon conviction."

B. Communication (October 26, 2007) from Councillor Chin Lee, Ward 41 - Scarborough Rouge River in support of the inclusion of drug labs in Municipal Code Chapters 565 and 441; and

C. Communication (November 1, 2007) from Scarborough Community Council endorsing Councillor Del Grande's request.

Motions

Introduce Report motion moved by Councillor Mike Del Grande (Carried)

Meeting Sessions

Session Date	Session Type	Start Time	End Time	Public or Closed Session
2007-11-02	Morning	9:40 AM	12:15 PM	Public

Chair