

Licensing and Standards Committee

Meeting No.	7	Contact	Linda Reid, Acting Administrator
Meeting Date	Tuesday, September 11, 2007	Phone	416-392-0145
Start Time	9:30 AM	E-mail	lsc@toronto.ca
Location	Committee Room 1, City Hall		

(Deferred from June 29, 2007 - 2007.LS6.3)

LS7.1	NO AMENDMENT			Ward: All
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Confidentiality of Legal Actions taken by Municipal Licensing and Standards Staff

City Council Decision

City Council on September 26 and 27, 2007, adopted the following motions:

1. City Council adopt the following principles regarding by-law and provincial statute investigations:
 - a. all orders and notices to comply shall be in writing and shall be publicly available and routinely disclosed, unless otherwise prohibited;
 - b. compliance, non-compliance and the withdrawal of notices and orders to comply shall be publicly and routinely available, unless otherwise prohibited;
 - c. all court charges and their disposition shall be publicly and routinely available, unless otherwise prohibited; and
 - d. if the right of access is denied for reasons of Municipal Freedom of Information and Protection of Privacy Act that information shall be publicly and routinely available.

2. City Council request that Deputy City Manager Richard Butts report to Government Management Committee on how the principles with regard to by-law and provincial statutes investigations are to be operationalized, no later than January of 2008.

3. City Council request that the City Clerk (Corporate Access and Privacy), in co-operation with the City Solicitor, report to the Government Management Committee

by no later than January 2008, on the method of determining if disclosure is prohibited, including a set of principles that would be applied in arriving at that determination.

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

Committee Recommendations

The Licensing and Standards recommends that City Council:

1. Adopt the following principles regarding by-law and provincial statute investigations:
 - a. All orders and notices to comply shall be in writing and shall be publicly available and routinely disclosed, unless otherwise prohibited;
 - b. Compliance, non-compliance and the withdrawal of notices and orders to comply shall be publicly and routinely available, unless otherwise prohibited;
 - c. All court charges and their disposition shall be publicly and routinely available, unless otherwise prohibited; and
 - d. If the right of access is denied for reasons of Municipal Freedom of Information and Protection of Privacy Act that information shall be publicly and routinely available;
2. Request that Deputy City Manager, Richard Butts report to Government Management Committee on how the principles with regard to by-law and provincial statutes investigations are to be operationalised no later than January of 2008; and
3. Request that the City Clerk, (Corporate Access and Privacy) in co-operation with the City Solicitor, report to the Government Management Committee by no later than January 2008 on the method of determining if disclosure is prohibited, including a set of principles that would be applied in arriving at that determination.

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-6397.pdf>

Speakers

Councillor Cliff Jenkins, Ward 25 Don Valley West

LS7.2	AMENDED			Ward: All
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Amendments To Fireworks By-law and Permit Requirements

City Council Decision

City Council on September 26 and 27, 2007, adopted the following motions:

- A. City Council adopt the following amendments to the Fireworks By-law and Permit Requirements:
 1. The permit fees under the new Fireworks By-law be set at \$1500.00 per year to permit Temporary Lease Fireworks Vendors and Mobile Fireworks Vendors respectively to sell Family Fireworks only on Canada Day and the seven-day period before Canada Day and on Victoria Day and the seven-day period before Victoria Day.

2. The permit fee for Temporary Fireworks Vendors that store and sell no more than 25kg (net explosive quantity) of Family Fireworks Vendors at any one time on Canada Day and the seven-day period before Canada Day and on Victoria Day and the seven-day period before Victoria Day be set at \$500.00 per year.
 3. The permit fee for Temporary Fireworks Vendors that store and sell more than 25kg (net explosive quantity) of Family Fireworks at any one time on Canada Day and the seven-day period before Canada Day and on Victoria Day and the seven-day period before Victoria Day be set at \$750.00 per year.
 4. Toronto Fire Services complete all inspections for Permanent, Temporary Lease, Mobile and Temporary Fireworks Vendors (including Temporary Fireworks Vendors that have a valid business licence issued by the City).
 5. The Executive Director of Municipal Licensing and Standards and the Fire Chief of Toronto Fire Services convene an inter-agency working group with representatives of the Toronto Police Service, the Security Division of the Toronto Community Housing Corporation, and the Security Divisions of both the Toronto District School Board and the Toronto Catholic District School Board to assist with the safe use of fireworks and increase co-ordination of enforcement of the new fireworks by-law, once in effect.
 6. Where appropriate, City staff seek the maximum fine under the Provincial Offences Act for the following offences under the new fireworks by-law, once in effect: sale of fireworks without a valid permit, sale of fireworks to any person under age 18 and sale of firecrackers.
 7. One year after the fireworks by-law comes into force on January 1, 2008, Toronto Fire Services review and report to the Licensing and Standards Committee on fireworks incidents that took place during the first year the new fireworks by-law was in force.
 8. One year after the fireworks by-law comes into force on January 1, 2008, Toronto Fire Services report to the Licensing and Standards Committee on the amount of fireworks permit revenue and any budget implications associated with the administration and enforcement of the fireworks by-law.
 9. The appropriate City staff be authorized and directed to implement the recommendations in this report.
- B. Council receive the supplementary report (September 26, 2007) from the City Solicitor, for information.

(August 27, 2007) Report from Toronto Fire Services

Committee Recommendations

The Licensing and Standards Committee recommends that City Council adopt the amendments to the Fireworks By-law and Permit Requirements:

1. The permit fees under the new fireworks by-law be set at \$1,500.00 per year to permit Temporary Fireworks Vendors, Temporary Lease Fireworks Vendors and Mobile Fireworks Vendors respectively to sell Family Fireworks only on Canada Day and the seven-day period before Canada Day and on Victoria Day and the seven-day period before Victoria Day;
2. The Fee for temporary fireworks vendors that sell over 25 kg or do not have a business licence be reduced from \$1,500.00 to \$750.00;
3. There be a category for convenience stores that do have a business licence that sell under 25kg of fireworks as temporary vendors and that the fee be set at \$100.00;
4. Toronto Fire Services complete all inspections for Permanent, Temporary Lease, Mobile and Temporary Fireworks Vendors (including Temporary Fireworks Vendors that have a valid business licence issued by the City);
5. The Executive Director of Municipal Licensing and Standards and the Fire Chief of Toronto Fire Services convene an inter-agency working group with representatives of the Toronto Police Service, the Security Division of the Toronto Community Housing Corporation, and the Security Divisions of both the Toronto District School Board and the Toronto Catholic District School Board to assist with the safe use of fireworks and increase coordination of enforcement of the new fireworks by-law, once in effect;
6. Where appropriate, City staff seek the maximum fine under the Provincial Offences Act for the following offences under the new fireworks by-law, once in effect: sale of fireworks without a valid permit, sale of fireworks to any person under age 18 and sale of firecrackers;
7. One year after the fireworks by-law comes into force on January 1, 2008, Toronto Fire Services review and report to the Licensing and Standards Committee on fireworks incidents that took place during the first year the new fireworks by-law was in force;
8. One year after the fireworks by-law comes into force on January 1, 2008, Toronto Fire Services report to the Licensing and Standards Committee on the amount of fireworks permit revenue and any budget implications associated with the administration and enforcement of the fireworks by-law; and
9. The appropriate City staff be authorized and directed to implement the recommendations in this report.

Decision Advice and Other Information

The Licensing and Standards Committee requested that the Fire Chief, Toronto Fire Services informally request the Chief of Police to:

1. Provide information on how many charges have been laid against mobile vendors this year; and
2. Provide information on the cost of enforcement.

Financial Impact

The proposed increases to the permit fees for the sale of fireworks as a result of the proposed amendments to the fireworks by-law are as follows:

Permit Type	Proposed Annual Fee	Projected Volume (annually)	Total Projected Recovery	Changed
Permanent Fireworks Vendor	\$2,500.00	6	\$15,000.00	No
Temporary Lease Fireworks Vendor	\$1,500.00	20	\$30,000.00	Yes – from \$500/year to \$1,500/year
Temporary Mobile Fireworks Vendor	\$1,500.00	6	\$9,000.00	Yes - from \$500/year to \$1,500/year
Temporary Fireworks Vendor (i.e. convenience stores) that store and sell no more than 25 kg. net explosive quantity of fireworks and have a valid business license from the City)	\$1,500.00	unknown	unknown	Yes -- from \$0 to \$1,500/year
Temporary Fireworks Vendor (i.e. convenience stores) that (i) store and sell more than 25 kg. net explosive quantity of fireworks (ii) Temporary Fireworks Vendors that do not have a business license from the City (regardless of quantity of fireworks sold)	\$1,500.00	unknown	unknown	Yes – from \$500/year to \$1,500/year
Temporary Lease Fireworks Vendor Temporary Mobile Fireworks Vendor – Relocation fee	\$100.00 per relocation	unknown	unknown	No
Special Occasions Discharge Permit	\$25.00 per permit	unknown	unknown	No

The proposed amendments to the fireworks by-law, if approved by Council, would require all Temporary Fireworks Vendors to obtain a Temporary Fireworks Vendor's Permit at a cost of \$1,500.00 per year.

The proposed amendments, if approved by Council, would also increase vendors' permit fees for Temporary Lease and Temporary Mobile Fireworks vendors from \$500.00 per year to \$1,500.00 per year with a resulting increase in projected annual permit revenue of \$20,000.00 and \$6,000.00 respectively, based on the projected annual volume noted above.

As indicated in Toronto Fire Services' previous report on the new proposed fireworks by-law, the Municipal Licensing and Standards Division will recover \$210.00 per permit to cover its costs of processing permit applications with the remainder of the cost of the permit fees covering Fire Services' inspection and other enforcement costs and public education costs.

Without a history to determine how many convenience store owners or other Temporary Fireworks Vendors will apply for a Temporary Fireworks Vendor's Permit, Toronto Fire Services and Municipal Licensing and Standards will each track revenue and costs associated with the licensing and inspections under the new fireworks by-law, once in effect, separately in their respective operating accounts. Permit fees collected in any one year, after Toronto Fire Services recovers its costs incurred in that year, will be allocated to the Fire Services Public Education Reserve Fund - account XR4205 Any net costs will be recovered by a draw down from the same reserve fund resulting in a net zero expenditure at year-end.

Once Municipal Licensing and Standards and Toronto Fire Services have a reliable indication of the resources required to administer and enforce the new fireworks by-law, the associated costs and revenue will be set out in each division's subsequent operating budget submission.

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

Summary

Council authorized a new harmonized fireworks by-law at its meeting held on April 23 and 24, 2007. Council later reopened this by-law to request consultation with the pyrotechnics industry regarding the possibility of increasing certain fireworks vendors' permit fees. This report seeks Council's authorization to increase permit fees for vendors that sell Family Fireworks on a temporary basis as set out in this report. This will provide Toronto Fire Services with resources to administer and enforce the fireworks by-law, and assist in promoting public safety in respect of the use and sale of fireworks.

Background Information

Amendments To Fireworks By-law and Permit Requirements
(<http://www.toronto.ca/legdocs/mmis/2007/ls/bgrd/backgroundfile-6408.pdf>)

Additional Background Information (City Council)

- Report (September 26, 2007) from the City Solicitor ([LS7.2a](#))

Communications

(September 11, 2007) letter from Dave Bryans, President, Ontario Convenience Stores Association (LS.New.LS7.2.1)

Speakers

Kenneth Kim, Ontario Korean Businessmen's Association
 Stafford Moss, Eward Dworkin Distributors Ltd.
 Councillor Adam Vaughan, Trinity-Spadina

LS7.3	NO AMENDMENT			Ward: All
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Imposing License Requirements on Airport Limousines and Taxis

Confidential Attachment - The receiving of advice that is subject to solicitor-client privilege.

City Council Decision

City Council on September 26 and 27, 2007, adopted the following motions:

1. City Council adopt the confidential instructions to staff in Attachment 1.
2. City Council direct that the confidential attachment remain confidential indefinitely, as it contains advice that is subject to solicitor-client privilege.
3. City Council repeal By-law No. 435-2007, as amended.
4. City Council amend Chapter 545, Licensing, of the City of Toronto Municipal Code to provide:
 - a. for a flat rate fare for Toronto licensed taxicabs and limousines for trips originating within the City of Toronto and ending at Lester B. Pearson International Airport, the fare to be equivalent to the tariff rates set by the Greater Toronto Airport Authority for their licensed taxicabs and limousines for similar trips;
 - b. that the passenger has the right to pay the lesser amount of the meter rate, or the flat rate, at the passenger's discretion;
 - c. that this be prominently printed on the rate schedule which must be presented to the passenger prior to commencing the trip; and
 - d. that the airport flat rate schedule for Toronto be amended to remove the flat rate from the area bounded by Kipling on the east, Finch Avenue on the north, Eglinton Avenue on the south and the western boundary of the City of Toronto, and the meter rate be required within that zone.

5. City Council direct the City Solicitor to prepare the necessary bill to give effect to the recommendations from this report, as adopted by Council.
6. City Council authorize and direct City staff to take any other action necessary to implement the recommendations from this report, as adopted by Council.

Confidential Attachment 1 to the report (August 28, 2007) from the City Solicitor (LS7.3a), remains confidential in its entirety, in accordance with the provisions of the City of Toronto Act, 2006, as it contains information that is subject to solicitor-client privilege.

(August 27, 2007) Report from the Executive Director, Municipal Licensing and Standards

Committee Recommendations

The Licensing and Standards Committee recommends that City Council:

1. Adopt the confidential instructions to staff in Attachment 1;
2. Direct that the confidential attachment remain confidential indefinitely as it contains advice that is subject to solicitor-client privilege;
3. Repeal By-law No. 435-2007, as amended;
4. Amend Chapter 545, Licensing, of the City of Toronto Municipal Code to provide:
 - a. For a flat rate fare for Toronto licensed taxicabs and limousines for trips originating within the City of Toronto and ending at Lester B. Pearson International Airport, the fare to be equivalent to the tariff rates set by the Greater Toronto Airport Authority for their licensed taxicabs and limousines for similar trips;
 - b. That the passenger has the right to pay the lesser amount of the meter rate, or the flat rate, at the passengers discretion;
 - c. That this be prominently printed on the rate schedule which must be presented to the passenger prior to commencing the trip; and
 - d. That the airport flat rate schedule for Toronto be amended to remove the flat rate from the area bounded by Kipling on the east, Finch Avenue on the north, Eglinton Avenue on the south and the western boundary of the City of Toronto, and the meter rate be required within that zone;
5. Direct the City Solicitor to prepare the necessary bill to give effect to the recommendations from this report, as adopted by Council; and

6. 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 that the Executive Director, Municipal Licensing and Standards Division, and the General Manager, Economic Development, Culture and Tourism Division, undertake the necessary study for the purpose of developing a strategic policy framework for transportation services for the travelling public going to or arriving at the Lester B. Pearson Airport and report to Committee in November 2007. The study would require further consultation with the Toronto taxi and limousine industry, appropriate City Divisions, the Greater Toronto Airport Authority, the Provincial government, the Federal government, the Greater Toronto Transportation Authority, municipalities adjacent to the City of Toronto and other stakeholders regarding the service.

Financial Impact

There are no financial impacts arising from this report beyond what has already been approved in the current year's budget.

Summary

As directed by Council, Staff of Municipal Licensing and Standards (ML&S) Division together with representatives from Legal Services, and Economic Development, Culture and Tourism Division met with representatives from the Greater Toronto Airport Authority (GTAA), the City of Mississauga, and the Town of Markham to discuss issues arising from the continued operations of taxis and limousines with permits issued by the GTAA ("Airport Taxis/Limos") picking up passengers in the City of Toronto.

In all of the staff discussions with interested parties, the City has emphasized that the following principles form the basis of the discussions and any proposed changes to the City's licensing requirements:

Ensuring consumer protection/health & safety for Toronto citizens, businesses and visitors and ensuring appropriate customer service to the public. The level and quality of service being provided to passengers of taxis or limousines in the City is an important consideration for the City in terms of consumer protection and the promotion of the City as a desirable place to visit or do business;

Maintaining the viability and integrity of the Toronto taxi and limousine services as an essential component of the City's drive to continuously improve customer service and consumer protection;

Maintaining the City's reputation with the travelling public arriving at Lester B. Pearson International Airport (the "Airport") given that negative experiences with ground transportation may be viewed by the traveller as a reflection on "Toronto" and not the Airport, per se; and,

Continuing the City's efforts in environmental stewardship.

The staff discussions have resulted in a number of options being identified though establishing an open system for the Toronto taxi and limousine industry is not one of them. Overall, however, the discussions have been positive and a climate of cooperation to finding a solution to the current problem of airport taxis and limousines unlicensed by the City picking up passengers in the City that meets the guiding principles has been established; however, additional work is required.

Staff recommends, among other things, that By-law No. 435-2007, as amended, which deleted the airport exemption in the City of Toronto Municipal Code be repealed pending a complete study of the issue by the City. The outcomes of the study and a strategic policy framework be reported to Committee in November 2007.

Applications to quash By-law No. 435-2007 have been brought by the Airport Taxicab (Pearson Airport) Association and the Airport Limousine Operators Association. A separate report has been submitted by the City Solicitor regarding these applications.

Background Information

Imposing License Requirements on Airport Limousines and Taxis
(<http://www.toronto.ca/legdocs/mmis/2007/ls/bgrd/backgroundfile-6409.pdf>)

Communications

(September 6, 2007) letter from Jim Bell, President, Toronto Taxi Cab Alliance (LS.Supp.LS7.3.1)

(September 11, 2007) Submission from Andy Reti, Gerry Manley and Hillel Gudes, The Exemption Removal Committee for Toronto's Taxis and Limos (LS.New.LS7.3.2)

Speakers

Jim Bell, Toronto Taxicab Alliance
Stephen Hozack
Aldo Marchese, Independent Cab Association
Andy Reti, Exemption Removal Committee
Terry Danylevich
Steve Anemi
Orhan Aybars
Sajid Mughal

3a Applications By the Airport Taxi and Airport Limousine Associations to Quash By-law 435-2007 (the "Airport Exemption By-law")

Confidential - The receiving of advice that is subject to solicitor-client privilege

(August 28, 2007) Report from City Solicitor

Financial Impact

The financial implications are set out in the confidential attachment.

Summary

The Airport Limousine Operators Association and the Airport Taxicab (Pearson Airport) Association (together the “Associations”) have each brought applications to quash By-law 435-2007 (the “By-law”) passed by Council on April 23 and 24, 2007. The By-law amended the Municipal Code to delete the exemption in the Municipal Code that previously allowed taxicabs that held permits issued by the federal Minister of Transport (entitling them to pick up passengers at a particular airport) to pick up passengers within the City of Toronto (the “City”) and transport them to an airport operated by the Crown without also requiring that these taxis have a taxi license issued by the City. The By-law also imposed a restriction prohibiting vehicles with taxi or limousine licenses issued by another jurisdiction from applying in Toronto to obtain a Toronto limousine license. The applications are scheduled to be heard by the Superior Court of Justice on November 21, 2007. The confidential attachment to this report contains legal advice from the City Solicitor regarding the court applications.

Background Information

Staff Report

<http://www.toronto.ca/legdocs/mmis/2007/ls/bgrd/backgroundfile-6603.pdf>

LS7.4	AMENDED			Ward: All
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Proactive Inspections of Toronto Community Housing Corporation (TCHC) Units Citywide - Expansion of Pilot Project**City Council Decision**

City Council on September 26 and 27, 2007, adopted the following motions:

1. City Council request the Toronto Community Housing Corporation Board to report at an upcoming meeting of the Licensing and Standards Committee on its building renewal program, the backlog of repairs and its efforts to remedy the most pressing building conditions.
2. Council:
 - a. immediately urge each of the political parties in the current Provincial election to make commitments to fund the backlog of repairs in Toronto Community Housing Corporation and other social housing communities downloaded to the City of Toronto;
 - b. i. request the City Clerk to immediately communicate Council’s support for this recommendation to each of the political parties and post Council’s policy in a prominent position on the City’s Website; and

- ii. request the Mayor and Members of Council to urge the people of Toronto to strongly advocate this position to the party leaders; and
- c. request the Toronto Community Housing Corporation to provide the Licensing and Standards Committee, at its next regular meeting, with the background on how the \$300 million estimate in the backlog of repairs was developed, including an estimate of how the backlog is growing in the absence of Provincial assistance, and that a copy of that report also be sent to Community Development and Recreation Committee for information.

(July 25, 2007) Member Motion from Councillor Palacio, seconded by Councillor Moscoe

Committee Recommendations

The Licensing and Standards Committee recommends that City Council request the Toronto Community Housing Corporation Board to report at an upcoming meeting of the Licensing and Standards Committee on its building renewal program, the backlog of repairs and its efforts to remedy the most pressing building conditions.

Decision Advice and Other Information

The Licensing and Standards Committee requested that:

1. The Executive Director, Municipal Licensing and Standards, meet with senior officials at Toronto Community Housing Corporation (TCHC) to review the complaint processes and make recommendations to Licensing and Standards Committee by May 2008 in identifying, improving and streamlining TCHC's response to maintenance repairs; and
2. The Executive Director, Municipal Licensing and Standards, report back to the Licensing and Standards Committee on the deficiencies remaining in the pilot project in Ward 17 that was approved by Council.

Summary

City Council on July 16, 17, 18 and 19, 2007, referred the following Motion to the Licensing and Standards Committee:

A recent Toronto Star report identified a Toronto Community Housing Corporation (TCHC) building as having the most outstanding work orders of any building in the entire City of Toronto. This should be a huge embarrassment for the City of Toronto.

The City should set the bar high in terms of property standards for our own buildings because when we poorly maintain our own buildings, to a standard below even what our own By-laws allow, we lose any moral authority to enforce essential property standards and set a terrible example. This bad example often brings down the neighbourhoods surrounding these developments. City Council has an extra duty to ensure that property standards are high for TCHC tenants, as many are Toronto's most vulnerable citizens.

In 2005, a successful pilot project was conducted in the two TCHC buildings located within Ward 17. Through this pilot, over 300 Orders to Comply were issued that resulted in dramatically improved conditions for the tenants who live there. This approach proved much more successful than simply relying on TCHC inspections which did not investigate property standards and merely looked at matters such as fire safety.

A comprehensive inspection will only serve to help quantify the extent of disrepair that the City of Toronto inherited from the Provincial government and help to make the case for uploading.

Although there is clearly good faith on the part of TCHC, the actual results have failed tenants. The City of Toronto, through Municipal Licensing and Standards, has a moral and legal obligation to intervene. Although it is tempting to, we cannot give City-owned agencies preferential treatment when it comes at the expense of the health and safety of tenants and our most vulnerable citizens and City By-laws are being contravened.

Background Information

Proactive Inspections of Toronto Community Housing Corporation (TCHC) Units Citywide - Expansion of Pilot Project

<http://www.toronto.ca/legdocs/mmis/2007/ls/bgrd/backgroundfile-6410.pdf>

Communications

(September 11, 2007) Submission from Cliff Martin (LS.New.LS7.4.1)

Speakers

Cliff Martin, Social Housing Advocacy Network

Keiko Nakamura, Toronto Community Housing Corporation

Councillor Frances Nunziata, Ward 11 York South-Weston

Councillor Cesar Palacio, Ward 17 Davenport

Councillor Paula Fletcher, Ward 30 Toronto-Danforth

LS7.8	NO AMENDMENT			Ward: All
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Marijuana Grow Operations - Enforcement Cost Recovery By-law

City Council Decision

City Council on September 26 and 27, 2007, adopted the following motions:

1. City Council enact by-laws in substantially the form attached as Attachments 1 and 2 to this report so as to establish a new Municipal Code Chapter 565, Marijuana Grow Operations, and amend Chapter 441, Fees, to include a schedule of charges in respect of enforcement costs, subject to such further stylistic or technical changes as may be required by the City Solicitor.

2. City Council direct that the City Solicitor apply to the Ministry of the Attorney General for Ontario to obtain the maximum set fine available (i.e. \$500.00) in respect of violations of the new Municipal Code Chapter.
 3. City Council authorize the appropriate City officials to take whatever action may be required in order to implement the recommendations in this report.
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Statutory - City of Toronto Act, 2006

(August 24, 2007) Report from City Solicitor

Committee Recommendations

The Licensing and Standards Committee recommends that City Council:

1. Enact by-laws in substantially the form attached as Attachments 1 and 2 to this report so as to establish a new Municipal Code Chapter 565, Marijuana Grow Operations, and amend Chapter 441, Fees, to include a schedule of charges in respect of enforcement costs, subject to such further stylistic or technical changes as may be required by the City Solicitor;
2. Direct that the City Solicitor apply to the Ministry of the Attorney-General for Ontario to obtain the maximum set fine available (i.e. \$500) in respect of violations of the new Municipal Code Chapter; and
3. Authorize the appropriate City officials to take whatever action may be required in order to implement the recommendations in this report.

Financial Impact

It is expected that the cost recovery measures outlined in this report will have a positive financial impact on the agencies and divisions involved to the extent that enforcement charges are successfully collected.

Summary

This report has been prepared as directed by city council to report on a form of draft by-law for the recovery of enforcement costs specifically incurred by City agencies and divisions in respect of properties which have been identified as having contained a marijuana grow operation.

This report recommends that Council adopt two draft by-laws. The first recommended by-law establishes new offences in respect of causing, allowing or permitting a property to be used for the purposes of a marijuana grow operation. The second by-law amends Municipal Code Chapter 441, Fees, to add a schedule of enforcement charges for the purpose of recovering costs incurred by City agencies and divisions in respect of enforcement activities undertaken as a result of the premises having contained a marijuana grow operation.

This report has been prepared in consultation with staff of the City Manager's Office, Toronto Police Service, Fire Services, Toronto Public Health, Toronto Building and Municipal Licensing & Standards, and those agencies and divisions are in agreement with the recommendations below.

Background Information

Marijuana Grow Operations - Enforcement Cost Recovery By-law
(<http://www.toronto.ca/legdocs/mmis/2007/ls/bgrd/backgroundfile-6407.pdf>)

Communications

(September 10, 2007) letter from Von Palmer, Chief Government and Media Relations Officer (LS.New.LS7.8.1)

(September 7, 2007) e-mail from Matthew Mernagh (LS.New.LS7.8.2)

(September 11, 2007) Submission from Toronto Compassion Centre (TCC) (LS.New.LS7.8.3)

Speakers

Matthew Mernagh, Canadian Cannabis Society

Submitted Tuesday, September 11, 2007

Councillor Howard Moscoe, Chair, Licensing and Standards Committee