
Licensing and Standards Committee

Meeting No. 13
Meeting Date Friday, May 9, 2008
Start Time 9:30 AM
Location Committee Room 1, City Hall

Contact Dela Ting, Acting Administrator
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Licensing and Standards Committee		
Councillor Howard Moscoe (Chair)	Councillor Sandra Bussin	Councillor Rob Ford
Councillor Denzil Minnan-Wong (Vice Chair)	Councillor Mike Del Grande	Councillor Anthony Perruzza

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Declarations of Interest under the Municipal Conflict of Interest Act**Speakers/Presentations: A complete list will be distributed at the meeting****Confirmation of Minutes: April 11, 2008****Communications/Reports****(Deferred from November 30, 2007 - 2007.LS9.9; February 15, 2008 – 2008.LS11.1 and April 11, 2008 – 2008.LS12.1)**

LS13.1	ACTION			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

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/2008/ls/bgrd/backgroundfile-12646.pdf>

Communications

(April 11, 2008) letter from Councillor Cesar Palacio, Ward 17 - Davenport
 (LS.Main.LS13.1.1)
<http://www.toronto.ca/legdocs/mmis/2008/ls/comm/communicationfile-7017.pdf>

LS13.2	ACTION			Wards: All
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Protocol for Enforcement of Property Standards and Other By-laws

(April 22, 2008) Letter from Affordable Housing Committee

Summary

Forwarding member motion from Councillor Palacio to the Licensing and Standards Committee, on protocol for enforcement of property standards and other by-laws.

Background Information

Letter from Affordable Housing Committee

(<http://www.toronto.ca/legdocs/mmis/2008/ls/bgrd/backgroundfile-12645.pdf>)

LS13.3	ACTION			Wards: All
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Alternatives to Four-sided Swimming Pool Enclosures

(April 23, 2008) Report from Executive Director, Municipal Licensing and Standards

Recommendations

The Executive Director of Municipal Licensing and Standards recommends that:

1. The current provisions in Toronto Municipal Code Chapter 447, Fences with respect to four-sided pool enclosures not be amended to include any alternative safety devices;
2. Individuals be able to request an exemption from the four-sided pool enclosure provision when it would not be practicable, because of a disability, as defined in the Ontarians with Disabilities Act, of an occupant of the building, to provide access in accordance with the requirements of the bylaw;
3. When an exemption is granted, conditions considered appropriate by Council to prevent a young child gaining access to the pool area unsupervised, be imposed;
4. When the need for an exemption ceases to exist, the pool enclosure be reinstated to comply fully with the provisions of the Chapter;
5. Subsection 447-3C(3)(b) of Toronto Municipal Code Chapter 447, Fences be amended by adding the word “ground” before the word “floor” so that the revised provision reads: “If the wall of any building, or portion thereof, forms part of the pool enclosure: ... (b) no window in the wall which is less than 1.5 metres above ground floor level shall be capable of being opened more than 100 millimetres unless a guard is permanently installed on the window to prevent the passage of a spherical object having a diameter of more than 100 millimetres through the window”;

6. Subsection 447-3C(3.1) of Toronto Municipal Code Chapter 447, Fences be amended by deleting the word “only” and the period at the end of the clause and immediately following adding, “and any existing fence if a substantial portion of it is demolished or removed or if it is in such a state of disrepair that it is not practical to repair it,” so that the full subsection reads: “Subsection 447-3C(3)(a) applies to pool enclosures for which a pool enclosure permit was issued more than 30 calendar days after the enactment of that Subsection, and any existing fence if a substantial portion of it is demolished or removed or if it is in such a state of disrepair that it is not practical to repair it”;
7. Municipal Licensing and Standards, in conjunction with Toronto Building and Toronto Public Health develop an awareness and education campaign respecting the pool enclosure standards and pool safety;
8. This report be forwarded to the Board of Health for information; and,
9. Staff be directed to take any necessary actions to implement and otherwise put into effect the above recommendations.

Financial Impact

There are no financial implications as a result of the adoption of the recommendations of this report.

Summary

Staff assessed a number of alternatives to four-sided pool enclosures as part of its direction from Council to look at self-closing, self-latching devices. Although the safety measures adopted by different jurisdictions varies widely, in general, staff still believes that four-sided fencing offers the greatest level of protection to children less than six years old. This view is not only supported by the assessment conducted by City staff, but also by a number of academic reviews and studies, as well as other publications from various governments.

Any standard adopted into the bylaw needs to be enforceable in order to prove successful. For this reason, staff discourages the adoption of any standard that may make inspections more difficult to conduct. Furthermore, staff recommends that, when the current four-sided standards are not practicable for the accessibility or health and safety of an occupant who is disabled, an exemption process be made available.

Further, staff recommends that the four-sided standard be applied to any existing fence that is fully or substantially replaced or that is in such a state of disrepair that it is not practical to repair it, and that window devices on windows facing a pool area only be required for the ground floor. Finally, staff recommends the implementation of a public awareness/education campaign with respect to the new standards and pool safety in general.

This report was prepared in consultation with Toronto Building, Legal Services, Toronto Public Health, Emergency Medical Services and Toronto Fire Services. In addition, staff consulted with members and representatives of the swimming pool and hot tub, landscaping, and fencing industries, as well as a number of safety advocate groups.

Background Information

Staff Report from Executive Director, Municipal Licensing and Standards
<http://www.toronto.ca/legdocs/mmis/2008/ls/bgrd/backgroundfile-12641.pdf>

LS13.4	ACTION			Wards: All
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Review of Applications to be Included in the City's List of Approved Professional Holistic Associations

Public Notice

(April 10, 2008) Report from Executive Director, Municipal Licensing and Standards

Recommendations

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

1. The following holistic association be included in Toronto Municipal Code Chapter 545, Licensing, Appendix L, and that this association be recognized as a PHA for the purposes of licensing holistic practitioners and owners:
 - a. Zen Shiatsu Society of Canada.
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.

Financial Impact

The recommendations will have no financial impact beyond what has already been approved in the current year's budget.

Summary

To recommend to the Licensing and Standards Committee an additional Professional Holistic Association (PHA) that meets the City of Toronto's criteria with respect to the licensing approval of PHAs.

Staff received application from the Zen Shiatsu Society of Canada. This association was evaluated on three main criteria: (a) Governance; (b) Membership and Membership Services; and (c) Ethics and Discipline.

Based on the submitted application, this association meets the criteria required to be included in

the City of Toronto’s Municipal Code Chapter 545, Licensing, Appendix L, as a PHA.

Background Information

Staff Report from Executive Director, Municipal Licensing and Standards
<http://www.toronto.ca/legdocs/mmis/2008/ls/bgrd/backgroundfile-12642.pdf>

LS13.5	Information			Ward: 11
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2306 St. Clair Avenue West Remediation

(April 24, 2008) Report from City Solicitor

Financial Impact

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

Summary

This report provides information on the legal options currently available to the City to remediate the fire damaged property at 2306 St. Clair Avenue West (the “Property”). Based on the assessment by City Building staff that the Property is not currently unsafe, the City has no legal grounds at this time on which to issue any orders to remedy an unsafe condition at the Property based on violations of the Building Code Act.

Municipal Licensing and Standards intends to assess the condition of the Property in May and, if debris remains at the Property, it intends to issue a Notice of Violation for Waste to the Property owner to remove debris from the Property. Municipal Licensing and Standards staff have not issued any Property Standards orders to repair the Property at this time as this could jeopardize ongoing investigations regarding the fire and the interests of third parties with respect to the Property and equipment at the Property. This approach will be reassessed after the May inspection.

The legal title to the Property was reviewed and the City has no legal standing to order remediation of the Property based on the encumbrances currently registered on Title.

Background Information

Staff Report from City Solicitor
<http://www.toronto.ca/legdocs/mmis/2008/ls/bgrd/backgroundfile-12643.pdf>

LS13.6	Information			Wards: All
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Administrative Policy Regarding Refunds for Licensing Applications, Renewals and Cancellation Requests

(April 24, 2008) Report from Executive Director, Municipal Licensing and Standards

Financial Impact

This report will have no financial impact beyond what has already been approved in the current year's budget.

Summary

This report provides information on the Municipal Licensing and Standards Division's (ML&S) administrative policy regarding the refunding of monies paid for licence applications, renewals and cancellation requests.

When an application for a new licence is made or a renewal of a licence is received, ML&S collects a fee, which includes an administrative processing fee and a fee for the actual licence. ML&S currently has administrative policies in place with respect to the refunding of those fees which are set out in this report.

Background Information

Staff Report from Executive Director, Municipal Licensing and Standards
(<http://www.toronto.ca/legdocs/mmis/2008/ls/bgrd/backgroundfile-12644.pdf>)