

Licensing and Standards Committee

Meeting No.	13	Contact	Dela Ting, Acting Administrator
Meeting Date	Friday, May 9, 2008	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 – April 11, 2008

**(Deferred from November 30, 2007 - 2007.LS9.9; February 15, 2008 - 2008.LS11.1)
and April 11, 2008 – 2008.LS12.1)**

LS13.1	ACTION	Referred		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:

1. Requested the (Acting) Executive Director, Municipal Licensing and Standards to:
 - i. continue the Pilot Project for enforcement for:
 - a. Symington Place (1884 Davenport Road); and
 - b. Pelham Park Gardens (61 Pelham Park Gardens);
 - ii. consider unit by unit inspection, where entry is permitted by tenants, in consultation with the Ward Councillor, and report to the Licensing and Standards Committee, within the next six months;
 - iii. review the principles used to enforce property standards to construct a protocol that is truly at arm's length and report to the Licensing and Standards Committee, in two months;
2. Requested that the Board of Directors, Toronto Community Housing Corporation (TCHC) be advised of the actions taken by the Licensing and Standards Committee; and
3. Requested that the written submission from Ms. Pat McKendry, TCHC tenant, be forwarded to the Board of Directors, Toronto Community Housing Corporation, for their consideration; and Ms. McKendry be encouraged to present her submission directly to the TCHC Board.

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>)

(May 8, 2008) letter from Councillor Cesar Palacio, Ward 17 - Davenport (LS.New.LS13.1.2)

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

(April 22, 2008) Letter from Affordable Housing Committee

Decision Advice and Other Information

This item was considered together with LS13.1. See Item LS13.1 for Committee Decision.

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>)

Communications

(May 8, 2008) letter from Ann McRae, Staff Lawyer, Rexdale Community Legal

Clinic (LS.New.LS13.2.1)

(May 9, 2008) e-mail from Pat McKendry, TCHC Tenant (LS.New.LSD13.2.2)

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

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

Committee Recommendations

The Licensing and Standards Committee recommends to City Council 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 City 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. *Subsection 447-3E(3) of Toronto Municipal Code Chapter 447, Fences be amended by replacing the word "all" with "any", the word "and" after "door" with "or", and by replacing the text after the word "window" with the phrase "that is located on the access level of the building, and that has a line of sight to the pool, and the materials used must comply with the provisions of this Chapter", so that the amended subsection now reads:*

"E. Construction standards.

- (3) *Every fence and gate used as part of a swimming pool enclosure, which forms the part of the enclosure that separates the pool from any residential building on the same property, shall be constructed of open mesh chain-link fence or equivalent open fence construction that does not restrict visibility of the pool from any door or window that is located on the access level of the building, and that has a line of sight to the pool, and the materials used must comply with the*

provisions of this Chapter. [Added 2007-11-20 by By-law No. 1240-2007] subsection 447-3E(4) be added as follows:

- (4) *With respect to subsection 447-3E(3), nothing shall be erected, planted or otherwise placed in such a way that the visibility of a pool is restricted from any door or window located on the access level of a residential building on the same property, and that has a line of sight to the pool;"*
- 8. 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;
- 9. This report be forwarded to the Board of Health for information; and
- 10. Staff be directed to take any necessary actions to implement and otherwise put into effect the above recommendations.

Decision Advice and Other Information

The Licensing and Standards Committee requested the (Acting) Executive Director, Municipal Licensing and Standards, to report to Community Councils outlining a protocol for dealing with exemptions that may be permitted.

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>)

Communications

(May 9, 2008) e-mail from Dr. Bruce Minnes, Emergency Physician and Associate Clinical Director, The Hospital for Sick Children (LS.New.LS13.3.1)

(February 25, 2008) letter from Dr. Julia Petrenko, Research Assistant in emergency Department, The Hospital for Sick Children (LS.New.LS13.3.2)

(May 8, 2008) letter from Tony DiGiovanni, Executive Director, Landscape Ontario Horticultural Trades Association (LS.New.LS13.3.3)

(May 9, 2008) Submission from David B. Huxtable, Mursatt Chemicals Limited (LS.New.LS13.3.4)

(May 9, 2008) e-mail from Dr. Bruce Minnes, Emergency Physician and Associate Clinical Director, The Hospital for Sick Children (LS.New.LS13.3.5)

(May 9, 2008) Submission from Barbara Byers, Public Education Director, Lifesaving Society (LS.New.LS13.3.6)

LS13.4	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

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

Committee Recommendations

The Licensing and Standards Committee recommends to City Council 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	Deferred		Ward: 11
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2306 St. Clair Avenue West Remediation

(April 24, 2008) Report from City Solicitor

Decision Advice and Other Information

The Licensing and Standards Committee deferred consideration of the report (April 24, 2008) from the City Solicitor, to its next meeting on June 6, 2008, for discussion and debate.

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	Received		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

Decision Advice and Other Information

The Licensing and Standards Committee received, for information, the:

1. report (April 24, 2008) from the Executive Director, Municipal Licensing and Standards; and
2. communication (May 7, 2008) addressed to Councillor Howard Moscoe, from Mr. Fred Dominelli.

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>

Communications

(May 7, 2008) letter from Fred Dominelli, Dominelli Services (LS.New.LS13.6.1)

LS13.7	Information	Received		Wards: All
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Limousine Licensing By-Laws Upheld by Court

(May 2, 2008) Report from City Solicitor

Decision Advice and Other Information

The Licensing and Standards Committee received, for information, the report (May 2, 2008) from the City Solicitor, on Limousine Licensing By-Laws Upheld by Court.

Financial Impact

There is no financial impact beyond what has already been approved in the current year's budget.

Having succeeded in defending the court application, the City will seek reimbursement of its legal costs in doing so. The costs that may be awarded to the City are in the discretion of Madam Justice Backhouse and we do not yet know what quantum she may award.

Summary

On April 24, 2008, Madam Justice Backhouse dismissed the court application brought by the Toronto Livery Association, the Ontario Limousine Owners Association and Taras Danylevich to quash By-law 706-2005, as amended by By-law 1417-2007, and By-law 217-2006 (together the "Limousine Licensing By-laws").

All of the provisions of the Limousine Licensing By-laws have been upheld.

Madam Justice Backhouse held that City met its duty to consult prior to the enactment of the By-laws and the portions of the Limousine By-laws under attack were rational regulations in the public interest.

The applicants may appeal the decision of Madam Justice Backhouse on or before May 27, 2008. If no appeal is filed by that date, the order made by Madam Justice Backhouse will be final.

Background Information

Staff Report from City Solicitor

(<http://www.toronto.ca/legdocs/mmis/2008/ls/bgrd/backgroundfile-12940.pdf>)

Attachment 1 - Court Decision from Madam Justice Backhouse

(<http://www.toronto.ca/legdocs/mmis/2008/ls/bgrd/backgroundfile-12941.pdf>)

LS13.8	ACTION	Adopted		Wards: All
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2007 Annual Report of Toronto Licensing Tribunal

(May 1, 2008) Report from Richard Butts, Deputy City Manager

Committee Recommendations

The Licensing and Standards Committee recommends that:

1. The 2007 Annual Report of Toronto Licensing Tribunal, adopted at its Business Meeting held on November 22, 2007, be forwarded to City Council for information.

Decision Advice and Other Information

The Licensing and Standards Committee requested:

1. the City Solicitor to review the apparent conflict between provisions of Toronto Municipal Code Chapter 545-3B(2) which establishes the Toronto Licensing Tribunal as a quasi-judicial arm's length body, with a requirement under Section E (Annual Report) to report annually to the Licensing and Standards Committee, and the interpretation of the Relationship Framework, Section C; and
2. Deputy City Manager, Richard Butts to meet with the Chair, Licensing and Standards Committee and the City Solicitor, to bring back a recommendation to the Licensing and Standards Committee, at its next meeting on June 6, 2008 and/or prior to the transmittal of the 2008 Annual Report of the Toronto Licensing Tribunal.

Financial Impact

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

Summary

The Relationship Framework governing the Toronto Licensing Tribunal sets out the matters to be discussed in the Annual Report from the Toronto Licensing Tribunal to Council.

Attached as Appendix "A" is the 2007 Annual Report of Toronto Licensing Tribunal, adopted at its Business Meeting held on November 22, 2007.

Background Information

Report from Richard Butts, Deputy City Manager

(<http://www.toronto.ca/legdocs/mmis/2008/ls/bgrd/backgroundfile-12942.pdf>)

Communications

(May 8, 2008) letter from Carol Shirtliff-Hinds Chair, Licensing Tribunal (LS.New.LS13.8.1)

LS13.9	ACTION	Referred		Wards: All
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Taxi Fare Fuel Surcharge

(May 30, 2008) Memo from Councillor Howard Moscoe, Ward 15 - Eglinton-Lawrence

Decision Advice and Other Information

The Licensing and Standards Committee referred the memo (April 30, 2008) from Councillor Howard Moscoe to the (Acting) Executive Director, Municipal Licensing and Standards, with a request that he report to the Committee, at its next meeting on June 6, 2008, on the impact and implications of rising fuel costs to the taxicab industry.

Summary

Request from Councillor Howard Moscoe that the Executive Director, Municipal Licensing and Standards report to the Licensing and Standards Committee, at its meeting on June 6, 2008, on the rise in fuel costs and the impact and implications to the taxicab industry.

Background Information

Councillor Howard Moscoe Memo

(<http://www.toronto.ca/legdocs/mmis/2008/ls/bgrd/backgroundfile-12943.pdf>)

LS13.10	ACTION	Referred		Wards: All
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Taxi Owners - Plate Leases

(May 1, 2008) Memo from Councillor Howard Moscoe, Ward 15 - Eglinton-Lawrence

Decision Advice and Other Information

The Licensing and Standards Committee:

1. referred the memo (May 1 and 2, 2008) from Councillor Howard Moscoe, to the (Acting) Executive Director, Municipal Licensing and Standards, with a request to:
 - i. review and make recommendations to improve the current licensing by-laws, as it relates to the leasing of taxicab license plates;
 - ii. consider issues raised in Councillor Moscoe's memo (May 1 and 2, 2008);
 - iii. report to the next meeting of the Licensing and Standards Committee, on June 6, 2008; and
 - iv. include consultation with stakeholders of the taxicab industry prior to scheduling the matter as a mandatory public hearing on possible By-law revisions, on June 6, 2008.

Summary

Request for a staff report on taxi owners who lease their plates.

Background Information

Councillor Howard Moscoe Memo

(<http://www.toronto.ca/legdocs/mmis/2008/ls/bgrd/backgroundfile-12945.pdf>)

Communications

(May 2, 2008) letter from Gail Beck-Souter, President Toronto Taxi Brokerage Association; Baljit Sikand, President Association of Toronto Cab Operators; Jim Bell, President Toronto Taxi Alliance; Louie Seta, President Toronto Taxi Industry Association; Aldo Marchese, ICOCI (LS.New.LS13.10.1)

LS13.11	ACTION	Referred		Wards: All
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Taxi Lease Agreements

(May 2, 2008) Memo from Councillor Howard Moscoe, Ward 15 - Eglinton-Lawrence

Decision Advice and Other Information

This item was considered together with LS13.10. See Item LS13.10 for Committee Decision.

Summary

Requesting review and possible amendments to the City of Toronto Municipal Code in regard to taxi leases.

Background Information

Councillor Howard Moscoe Memo

(<http://www.toronto.ca/legdocs/mmis/2008/ls/bgrd/backgroundfile-12946.pdf>)

Communications

(May 2, 2008) letter from Gail Beck-Souter, President Beck Taxi Limited; Balijit Sikand, President Association of Toronto Cab Operators; Louie Seta, President, Toronto Taxi Industry Association; Aldo Marchese, ICOCI (LS.New.LS13.11.1)

LS13.12	ACTION	Referred		Wards: All
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Requesting Amendment to Fence By-Law to Reduce the Height Requirement for Fences

(May 7, 2008) Member Motion from Councillor Rob Ford, Ward 2 - Etobicoke North

Decision Advice and Other Information

The Licensing and Standards Committee referred the member motion (May 7, 2008) from Councillor Rob Ford, to the (Acting) Executive Director, Municipal Licensing and Standards, with a request that he report to the Licensing and Standards Committee, at its meeting on July 3, 2008, on the possibility of amending Toronto Municipal Code Chapter 447, Fences, to reduce height restrictions for front yard fences from 1.0 metre to 0.5 metre.

Summary

Requesting amendment to fence by-law to reduce height restrictions.

Background Information

Councillor Rob Ford Member Motion

(<http://www.toronto.ca/legdocs/mmis/2008/ls/bgrd/backgroundfile-12948.pdf>)

Meeting Sessions

Session Date	Session Type	Start Time	End Time	Public or Closed Session
2008-05-09	Morning	9:35 AM	12:40 PM	Public