

Licensing and Standards Committee

Meeting No.	16	Contact	Dela Ting, Acting Administrator
Meeting Date	Wednesday, October 15, 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 – July 3, 2008

(Deferred from November 30, 2007 - 2007.LS9.2 and November 2, 2007 - 2007.LS8.9)

LS16.1	ACTION	Amended		Wards: All
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Right to Enter Adjoining Land to Make Repairs

Public Notice

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

Committee Recommendations

The Licensing and Standards Committee recommends to City Council that:

1. Recommendation No. 1 in the report (October 19, 2007) from the Executive Director,

Municipal Licensing and Standards be replaced with the following:

"Council adopt the proposed by-law amendments to Municipal Code Chapter 363, Building Construction and Demolition, and to Municipal Code Chapter 441, Fees and Charges, in accordance with Appendix A of the September 30, 2008 report from the Executive Director, Municipal Licensing and Standards, 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 by-law be amended to require the applicant to estimate the time required to restore the property prior to being granted the permit on the understanding that the City will do the work and charge the repairs back to the owner exercising the right of entry as a charge against his or her property taxes, if restoration is not completed within this time frame.
3. The by-law require that the person or persons undertaking the repairs provide evidence that there is sufficient insurance to cover any potential liability that might result from such entry.
4. The by-law incorporate a provision for a security deposit to be held for six months to account for "unseen damages" arising from the work covered by the permit that may become evident during this time frame.
5. The by-law indicate that if the security deposit does not cover the actual cost of damages not remediated by the owner undertaking the work, this difference be added to his or her property taxes.
6. The Property Standards Appeal Committee be assigned the task of undertaking an adjudicative role if so required by either of the parties.
7. A hearing of the Property Standards Appeal Committee, if unable to effect a compromise, shall result in a written report suitable for providing information to the courts.
8. The Property Standards Appeal Committee shall be authorized to undertake a site visit prior to making a decision.
9. 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
10. City staff be authorised and directed to take any other action necessary to implement the proposed by-law amendments.

Decision Advice and Other Information

The Licensing and Standards Committee requested the Executive Director, Municipal Licensing and Standards to report directly to City Council on:

1. the fee to be applied to mediation by the Property Standards Appeal Committee; and
2. any course of action that may be taken where significant excavation takes place and/or heavy equipment is used.

Financial Impact

The information in this report has no financial implications beyond those already approved in the current year's budget.

Summary

Staff recommend that a City-wide by-law be adopted to provide the right to enter adjoining land for the purpose of making repairs and alterations.

As required by section 101 of the City of Toronto Act, 2006, the by-law provides for notice requirements, limits entry to the extent necessary to carry out repairs and alterations, and requires that the adjoining land be returned to its original condition.

Although the City can prosecute for non-compliance with the by-law and, if successful, also request a prohibition order, in practice this can be a complex and resource-intensive undertaking by the City. If neighbours cannot agree, it is often more expeditious for them to take court action to enforce their rights. The Trespass to Property Act also applies if a neighbour goes beyond the limited access rights granted under the by-law. Although it is arguable that security could be required as a condition of accessing adjoining land, this requirement could only be implemented in the context of a complex and costly permit system.

Staff therefore recommend an approach based on better informing the parties to a right-of-entry matter as to their rights and obligations, and that focuses on preventing disputes and taking corresponding precautions. Under such an approach, staff would therefore undertake an intermediary and informational role, with the option open to a complainant to resort to civil court, if necessary.

The City Solicitor was consulted in the preparation of this report.

Background Information

Staff Report from Executive Director, Municipal Licensing and Standards
(<http://www.toronto.ca/legdocs/mmis/2008/ls/bgrd/backgroundfile-15653.pdf>)

Communications

- (October 31, 2007) e-mail from Barbara Wilkes (LS.Main.LS16.1.1)
- (October 31, 2007) e-mail from Fred Theysmeyer (LS.Main.LS16.1.2)
- (October 31, 2007) e-mail from Helaine Becker (LS.Main.LS16.1.3)
- (October 31, 2007) e-mail from Sy Landau (LS.Main.LS16.1.4)
- (November 1, 2007) e-mail from Councillor Cliff Jenkins, Ward 25 Don Valley (LS.Main.LS16.1.5)
- (November 1, 2007) e-mail from Mike McKelvey, Board Member, Lawrence Park Ratepayers Association (LS.Main.LS16.1.6)

- (November 1, 2007) e-mail from John Dellevoet (LS.Main.LS16.1.7)
 (November 2, 2007) e-mail from Gwen Rattle (LS.Main.LS16.1.8)
 (November 12, 2007) e-mail from Robin Riko (LS.Main.LS16.1.9)
 (November 20, 2007) e-mail from Robyn Knapp (LS.Main.LS16.1.10)
 (November 9, 2007) e-mail from Harold Smith, Partner Mesbur and Amith Architects (LS.Main.LS16.1.11)
 (November 11, 2007) e-mail from Nicholas Woodbridge (LS.Main.LS16.1.12)
 (November 1, 2007) e-mail from John Smith, President, Teddington Park Residents Association (LS.Main.LS16.1.13)
 (November 14, 2007) e-mail from Lambert Cheng (LS.Main.LS16.1.14)
 (November 22, 2007) e-mail from Robert Burton, Burton-Lesbury Holdings Limited/Cobob Holdings Limited (LS.Main.LS16.1.15)
 (November 26, 2007) letter from David E. Bawden, President, York Mills Ratepayers' Association (LS.Main.LS16.1.16)
 (November 27, 2007) e-mail from Nicholas Woodbridge (LS.Main.LS16.1.17)
 (November 2, 2007) e-mail from Eileen Denny (LS.Main.LS16.1.18)
 (November 30, 2007) e-mail from Patrick Daky (LS.Main.LS16.1.19)
 (November 28, 2007) letter from Cindy Weiner, President, At. Andrew's Ratepayers Association (LS.Main.LS16.1.20)
 (November 30, 2007) letter from Hilde Reis-Smart, Secretary, on behalf of John Smith, President, Teddington Park Residents Association (LS.Main.LS16.1.21)
 (October 14, 2008) e-mail from Helaine Becker (LS.New.LS16.1.22)

1a Right to Enter Adjoining Land to Make Repairs

(September 30, 2008) Report from Executive Director, Municipal Licensing and Standards

Financial Impact

There are no financial implications, beyond those already approved in the current year's budget, associated with the three options, other than the permitting system, described in the Summary of this report.

The final option to adopt a harmonized permitting system and bylaw that is administered and enforced by the City would require additional staffing resources ranging from \$7,500 to \$106,300 per year. Based on staff's projections, which account for the type and volume of both permit and renewal applications, it is expected the average cost of the program would be \$28,700 per year. This cost would be fully recoverable through the implementation of the following fees:

Right-of-entry Permits		
	Low-impact work	High-impact work
<u>Application</u>		
Estimated cost	\$ 229.31	\$ 844.33
Proposed fee	\$ 230.00	\$ 845.00
<u>Renewal</u>		
Estimated cost	\$ 126.58	\$ 278.71
Proposed fee	\$ 127.00	\$ 279.00

The fees proposed above would automatically increase by the cost of wages on the first day of January of each year (see amendment no. 4 in Appendix A).

The above costs and fees, however, do not include any allowance associated with enforcement related to non-compliance, including potential prosecution. These costs would include both Officer time and legal costs.

If implemented, the Executive Director of Municipal Licensing and Standards would report back through the 2010 Operating Budget process on any additional costs required to administer and enforce a harmonized permitting system based on actual volumes experienced in 2009. Any additional costs would be fully offset by volume-based increased revenues.

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

Summary

This report responds to the Licensing and Standards Committee's direction to report on the feasibility and financial impacts of establishing a right-of-entry permitting system. In addition, to provide better context, it also briefly summarises the following three alternatives:

- Continue the status quo (i.e., keep the existing bylaws from the former municipalities and keeping former North York without a bylaw);
- Repeal the bylaws of the former municipalities (and have no right-of-entry bylaw for the City);
- and
- Adopt a harmonized right-of-entry bylaw for the City that is enforced directly through civil litigation (and keep City involvement to a minimum).

A right-of-entry permitting system would operate completely apart from the current building permit system with administration and enforcement resting solely on Municipal Licensing and Standards.

Staff believe that a permitting system would be very challenging to administer and could often place the City in the role of arbiter between neighbours. It is the opinion of staff that right-of-entry matters are dealt with more effectively and efficiently through the civil court system.

The City Solicitor was consulted in the preparation of this report.

Background Information

Staff Report from Executive Director, Municipal Licensing and Standards

(<http://www.toronto.ca/legdocs/mmis/2008/ls/bgrd/backgroundfile-16049.pdf>)

LS16.2	ACTION	Without Recs		Wards: All
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Issuance of Temporary Special Event Licenses to Toronto-Based Livery Companies During Signature City Events

(July 23, 2008) Letter from City Clerk

Committee Recommendations

The Licensing and Standards Committee submits this matter to City Council without recommendation.

Decision Advice and Other Information

The Licensing and Standards Committee advises City Council that the following motions were voted on and lost on tie votes:

A. Motion by Councillor Mike Del Grande:

"That motion (MM23.4) entitled "Issuance of Temporary Special Event Licences to Toronto-Based Livery Companies During Signature City Events" be referred to the Executive Director, Municipal Licensing and Standards, with a request to look at allowing only hybrid environmentally-friendly and SUV vehicles and qualified drivers (limousines and taxis) if special event permits are to be allowed."

B. Motion by Councillor Denzil Minnan-Wong:

"That the Licensing and Standards Committee receive this matter."

Summary

Advising that City Council on July 15, 16 and 17, 2008 referred the following motion (MM23.4) entitled "Issuance of Temporary Special Event Licenses to Toronto-Based Livery Companies During Signature City Events" moved by Councillor Karen Stintz, seconded by Councillor Mike Feldman to the Licensing and Standards Committee, for consideration.

"Livery companies are raising an issue that impacts limousines and Toronto tourism. Each year there is an increased demand for chauffeured vehicles during the Toronto Film Festival. There are not enough limousines in the City of Toronto to meet the demand.

Many operators have corporate clients that rely on limousines for service during this peak period. Operators attempt to accommodate demand by partnering with their peers in the City. However, there are just not enough limousines/SUV's/sedans to meet this need.

Over the past few years, operators have attempted to meet the demand by renting vehicles for the week of the Toronto Film Festival, however, since these vehicles are not licensed, the operators were subject to unlicensed vehicle fines. The industry is hoping to work with the City on a solution to this issue.

One idea brought forward by the industry is to obtain a temporary event licence. This request has been put forward continuously, since September of 2007, as this was a particularly busy year. If a temporary event licence cannot be implemented, perhaps staff can work with the industry to come up with a solution that would enable Toronto-based livery companies to meet increased demand for vehicles during the Toronto Film Festival and other signature City events.

Toronto is Canada's largest City and sixth largest government, and home to a diverse population of about 2.6 million people. It is the economic engine of Canada and one of the greenest and most creative cities in North America. In the past three years, Toronto has won more than 70 awards for quality, innovation and efficiency in delivering public services. Toronto's government is dedicated to prosperity, opportunity and livability for all its residents, so I am confident that a solution to this matter can be identified.

Recommendation:

1. That the Deputy City Manager of Citizen Centred Services, Cluster B, in consultation with the Executive Director of Municipal Licensing and Standards, report back on the feasibility of issuing temporary special event licences to Toronto-based livery companies during signature City events in Toronto.”

Background Information

Motion MM23.4 referred by City Council

<http://www.toronto.ca/legdocs/mmis/2008/ls/bgrd/backgroundfile-16046.pdf>

Communications

(October 10, 2008) letter from Louis M. Seta, President, Toronto Taxicab Industry Association (LS.New.LS16.2.1)

(October 9, 2008) letter from Louis M. Seta, President Toronto Taxicab Industry Association (LS.New.LS16.2.2)

(October 14, 2008) letter from Andy Reti, Exemption Committee (LS.New.LS16.2.3)

LS16.3	Information	Deferred		Wards: All
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Toronto Licensing Tribunal Annual Report Requirements

(August 13, 2008) Report from City Manager

Decision Advice and Other Information

The Licensing and Standards Committee deferred consideration of the report (August 13, 2008) from the City Manager, on Toronto Licensing Tribunal Annual Report Requirements, to its next meeting on November 17, 2008, for discussion.

Financial Impact

None.

Summary

The Licensing and Standards Committee requested a report on any conflict between the independence of the Toronto Licensing Tribunal and the requirement for the Tribunal to submit its Annual Report to the Deputy City Manager responsible for licensing issues for transmittal to the committee along with any comments from City staff.

Staff in the City Manager's Office reviewed the relevant provisions of the Toronto Municipal Code and the Toronto Licensing Tribunal Relationship Framework, as amended by Council, and did not find these provisions to be in conflict. Appendix "A" to this report includes extracts of the Toronto Municipal Code, §543-3, Licensing, and Council-approved requirements for the Licensing Tribunal's Annual Report.

Background Information

Staff Report from City Manager

<http://www.toronto.ca/legdocs/mmis/2008/ls/bgrd/backgroundfile-16045.pdf>

LS16.4	ACTION	Adopted		Wards: All
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Amendments to Toronto Municipal Code Chapter 693, Article III, Temporary Signs, and Chapter 441, Fees and Charges

Public Notice

(September 25, 2008) Report from Executive Director, Municipal Licensing and Standards

Committee Recommendations

The Licensing and Standards Committee recommends to City Council that:

1. The amendments to City of Toronto Municipal Code Chapter 441, Fees and Charges, and to City of Toronto Municipal Code Chapter 693, Signs be adopted substantially in

the form set out in Appendix “A”, subject to such minor stylistic and substantive changes as may be deemed necessary or appropriate by the Executive Director of Municipal Licensing and Standards or the City Solicitor; and

2. 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

To support the implementation of a more aggressive enforcement strategy, technical amendments to the City of Toronto Municipal Code Chapter 693, Signs, Article III, (Chapter 693) and the introduction of certain fees into the City of Toronto Municipal Code Chapter 441, Fees and Charges, (Chapter 441) have been proposed.

These include: the introduction into Chapter 693 of definitions for Business Owner, Business Operator, Sign Owner, and Temporary Sign Provider; clarification of the City’s authority to pull down and remove a temporary sign at the expense of the sign owner; detailing the City’s authority to enter property to permit the seizure of an improperly installed temporary sign; shortening the process for the storage, removal, and release of temporary signs; and introducing the ability to recover fees for the storage, removal, and release of any signs seized.

Additionally, Chapter 441 will be amended to introduce fees for the disposal of temporary signs, as well as clarifying, where necessary, the fees applicable for the removal, storage, removal and retrieval of various signs types.

This report was prepared in consultation with the City Solicitor.

Background Information

Staff Report from Executive Director, Municipal Licensing and Standards
<http://www.toronto.ca/legdocs/mmis/2008/ls/bgrd/backgroundfile-16044.pdf>

LS16.5	ACTION	Adopted		Wards: All
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Taxicab and Limousine Airport Flat Rate Tariff Increase

Public Notice

(September 30, 2008) Report from Executive Director, Municipal Licensing and Standards

Committee Recommendations

The Licensing and Standards Committee recommends to City Council that:

1. The City of Toronto Municipal Code, Chapter 545, Licensing, be amended to increase

the flat rate taxicab and limousine tariffs charged by Toronto licensed taxicabs and limousines taking fares from the City of Toronto to Lester B. Pearson International Airport to bring them in line with the tariff increases which were implemented by the Greater Toronto Airports Authority on August 24, 2008, as set out in Appendix “A” and Appendix “B” of this report; and

2. The City Solicitor be directed to prepare the necessary bill to give effect to the recommendations in this report.

Financial Impact

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

Summary

The purpose of this report is to recommend an increase in the flat rate taxicab and limousine tariffs charged by Toronto licensed taxicabs and limousines taking fares from the City of Toronto to Lester B. Pearson International Airport, found in Appendix “M” and Appendix “N” to the City of Toronto Municipal Code, Chapter 545, Licensing.

On August 24, 2008 the Greater Toronto Airports Authority increased the flat rate tariffs for both taxicab and limousine trips originating from Lester B. Pearson International Airport by a weighted average of approximately 10 per cent along with a formula for the addition of a fuel surcharge to each fare dependent on the average retail fuel prices for the preceding 90 days.

Background Information

Staff Report from Executive Director, Municipal Licensing and Standards
<http://www.toronto.ca/legdocs/mmis/2008/ls/bgrd/backgroundfile-16041.pdf>

Appendix A

<http://www.toronto.ca/legdocs/mmis/2008/ls/bgrd/backgroundfile-16042.pdf>

Appendix B

<http://www.toronto.ca/legdocs/mmis/2008/ls/bgrd/backgroundfile-16043.pdf>

LS16.6	ACTION	Amended		Wards: All
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Amendments to Toronto Municipal Code Chapter 629, Property Standards- Washrooms within Mercantile Occupancies

Public Notice

(September 30, 2008) Report from Executive Director, Municipal Licensing and Standards

Committee Recommendations

The Licensing and Standards Committee recommends to City Council that:

1. Council adopt the proposed by-law amendments to Toronto Municipal Code Chapter 629, Property Standards, substantially as in Appendix A of the (September 30, 2008)

report from the Executive Director, Municipal Licensing and Standards.

2. The by-law shall apply to mercantile occupancies over 3,230 square feet that are required by the Ontario Building Code to provide public washrooms for the use of their customers.
3. The retail occupancy shall ensure that those washrooms are available for the use of their customers at all times that the mercantile occupancy is open for business.
4. Each mercantile occupancy which is required by this by-law to provide washroom access to its customers shall display a sign indicating that such washroom access is available.
5. Each sign shall:
 - (a) be deployed in a prominent manner so that it is plainly readable by any customer; and
 - (b) be in a form and of a size approved by the Executive Director, Municipal Licensing and Standards, or his designate.
6. The City Solicitor be directed to prepare the necessary bill to give effect to any recommendations adopted by Council; and
7. City staff be authorized and directed to take any other action necessary to implement the by-law amendments.

Financial Impact

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

Summary

This report recommends the adoption of amendments to the Property Standards By-law (Municipal Code Chapter 629) in order to ensure that washroom facilities in all mercantile occupancies are maintained as provided at the time of construction in accordance with the approved building permit.

The Ontario Building Code (Building Code) regulates certain aspects related to washroom facilities dependant on use and occupant load. Generally, the Building Code does not signage provisions contain for washrooms in mercantile occupancies, and does not regulate the availability of such facilities for the customers or other patrons of such establishments.

Toronto Public Health, under the authority of the Health Protection and Promotion Act and associated regulations, do impose requirements related to washroom facilities and also deal with issues raised over time, but only as it pertains to food premises and not within other mercantile occupancies (retail establishments).

For these reasons, the City's Property Standards by-law, which is applicable to all property and

intended to provide the standards for maintenance and occupancy, can be applied to pre-existing buildings in setting standards for washroom facilities within this type of occupancy not already covered by Toronto Public Health.

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

Background Information

Executive Director, Municipal Licensing and Standards

(<http://www.toronto.ca/legdocs/mmis/2008/ls/bgrd/backgroundfile-16051.pdf>)

Communications

(July 16, 2008) e-mail from Lesa Bogle (LS.Main.LS16.6.1)

(<http://www.toronto.ca/legdocs/mmis/2008/ls/comm/communicationfile-8637.pdf>)

(October 15, 2008) submission from Canadian Council of Grocery Distributors (LS.New.LS16.6.2)

LS16.7	ACTION	Referred		Ward: All
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Request for Review of “W” Plate Taxicab License Holders

(October 14, 2008) Letter from Councillor Howard Moscoe, Ward 15 - Eglinton-Lawrence

Decision Advice and Other Information

The Licensing and Standards Committee referred for consideration the following communications to the Executive Director, Municipal Licensing and Standards for a report back to the next meeting of the Licensing and Standards Committee on November 17, 2008:

- (a) (October 10, 2008) from Councillor Denzil Minnan-Wong, addressed to Councillor Howard Moscoe; and
- (b) (October 14, 2008) from Councillor Howard Moscoe and petition signed by Tamene Zerom and approximately 46 "W" plate owners.

Summary

Forwarding letter and petition signed by approximately 46 “W” plate taxicab license holders requesting review.

Background Information

Letter from Councillor Howard Moscoe, Ward 15, Eglinton-Lawrence

(<http://www.toronto.ca/legdocs/mmis/2008/ls/bgrd/backgroundfile-16273.pdf>)

LS16.8	ACTION	Referred		Wards: All
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Green Bylaw and Driveway Issues

(October 15, 2008) Letter from Councillor Mike Del Grande, Ward 39 - Scarborough-Agincourt

Decision Advice and Other Information

The Licensing and Standards Committee referred the request from Councillor Mike Del Grande to consider licensing paving companies to the Executive Director, Municipal Licensing and Standards for a report back to the Licensing and Standards Committee.

Summary

Request for staff report on licensing paving companies.

Background Information

Letter from Councillor Mike Del Grande, Ward 39 - Scarborough-Agincourt
<http://www.toronto.ca/legdocs/mmis/2008/ls/bgrd/backgroundfile-16311.pdf>

Meeting Sessions

Session Date	Session Type	Start Time	End Time	Public or Closed Session
2008-10-15	Morning	9:40 AM	12:30 PM	Public
2008-10-15	Afternoon	1:40 PM	2:35 PM	Public