

Licensing and Standards Committee

Meeting No.	12	Contact	Dela Ting, Acting Administrator
Meeting Date	Friday, April 11, 2008	Phone	416-397-7769
Start Time	9:30 AM	E-mail	lsc@toronto.ca
Location	Committee Room 1, City Hall		

Attendance

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

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

Also in Attendance:

Councillor Shelley Carroll

Confirmation of Minutes

On motion by Councillor Denzil Minnan-Wong, the Minutes of the meeting of the Licensing and Standards Committee held on February 15, 2008 were confirmed.

(Deferred from February 15, 2008 - 2008.LS11.1) (Deferred from November 30, 2007 - 2007.LS9.9)

LS12.1	ACTION	Deferred		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.

Communications

(April 11, 2008) letter from Councillor Cesar Palacio, Ward 17 - Davenport (LS.New.LS12.1.1)
(<http://www.toronto.ca/legdocs/mmis/2008/ls/comm/communicationfile-6886.pdf>)

Decision Advice and Other Information

The Licensing and Standards Committee again deferred consideration of the report (November 15, 2007) from the Executive Director, Municipal Licensing and Standards, to its next meeting on May 9, 2008.

Motions

Defer Item motion moved by Councillor Mike Del Grande (Carried)

Links to Background Information

Staff Report from Executive Director, Municipal Licensing and Standards
(<http://www.toronto.ca/legdocs/mmis/2008/ls/bgrd/backgroundfile-11356.pdf>)

LS12.2	ACTION	Referred		Wards: All
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Greater MLS Enforcement - Student Residences

(February 12, 2008) Memo from Councillor Susan Hall, Ward 1 - North Etobicoke

Summary

Request that staff report on the feasibility of new measures to restrict conversions of existing residential homes for student housing.

Speakers

Wanda Wloch (Submission Filed)
Councillor Shelley Carroll

Decision Advice and Other Information

The Licensing and Standards Committee:

1. referred the issue of providing student housing to the Affordable Housing Committee;
2. requested the Director, Affordable Housing Office, to report on housing review measures that have been taken by other municipalities to provide appropriate accommodation for students and report back no later than September, 2008 to the appropriate Committee of Council; and
3. requested the Executive Director, Municipal Licensing and Standards, in consultation with the City Solicitor, to review enforcement protocols to determine the impediments to enforcement that exists within the present by-laws with a view to enacting amendments that would facilitate enforcement efforts and report back no later than September, 2008 on the current issues related to enforcement of rooming houses; and in so doing, staff canvass the measures adopted by other municipalities to improve enforcement.

Motions

Refer Item motion moved by Councillor Howard Moscoe (Carried)

Links to Background Information

Councillor Susan Hall Memo

<http://www.toronto.ca/legdocs/mmis/2008/ls/bgrd/backgroundfile-11892.pdf>

LS12.3	ACTION	Amended		Wards: All
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Technical Amendments to Toronto Municipal Code Chapter 629, Property Standards

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

Recommendations

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

1. Council adopt the proposed by-law amendments to Toronto Municipal Code Chapter 629, Property Standards, substantially in the form set out in Appendix A;
2. The City Solicitor be directed to prepare the necessary bill to give effect to any recommendations adopted by Council; and
3. 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 standards for guards, handrails, lighting levels and hot water temperature consistent with those currently found in the Building Code, as part of Municipal Code Chapter 629, Property Standards (the “By-law”).

The Ontario Superior Court of Justice (SCJ) decision in *R. v. Rexlington Heights Ltd.* (9, 11, 25 & 27 Bergamot Avenue) in 2005, affects the City’s ability to enforce sections of the Property Standards By-law that make reference to the Building Code for compliance standards. The Judge determined that a general reference to the Building Code for any specific item in the By-law, as is the case for guards and handrails, does not preclude consideration of the Code in its entirety. The Judge also found that the Building Code cannot be applied to pre-existing buildings (subject to certain exceptions, such as for material alterations or repairs). The sections of the By-law that are affected by this decision relate to guards, handrails and lighting levels (within all types of occupancy). The inclusion of these standards within the By-law will affectively sever reliance on the Building Code as it relates to the technical standards and specifics for compliance in regard to these sections.

The standards in the Building Code are considered to be the minimum level for health and safety as it relates to new construction. Under section 15.1 of the Building Code Act, 1992, the City has clear authority to adopt standards for maintenance and occupancy that apply to property (as defined) erected before or after the standard is established. As most of the proposed provisions are health and safety-related, the adoption of the amendments will convey the intent to apply the current minimum standards (based on the Building Code standards) to

pre-existing buildings. The amendments will introduce a level of consistency within the standards as they are applied to all property, from development through to on-going maintenance. Also, these amendments will allow conditions within buildings that are identified as being sub-standard, to be brought into compliance.

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

Committee Recommendations

The Licensing and Standards Committee recommends that:

1. City Council adopt the proposed by-law amendments to Toronto Municipal Code Chapter 629, Property Standards, substantially in the form set out in Appendix A;
2. The City Solicitor be directed to prepare the necessary bill to give effect to any recommendations adopted by Council; and
3. City staff be authorized and directed to take any other action necessary to implement the 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, for its meeting on April 28, 2008, on measures that could be put into place that would trigger automatic revisions to the Property Standards By-law every time the Building Code is amended.

Motions

Adopt Item as Amended motion moved by Councillor Howard Moscoe (Carried)

Links to Background Information

Staff Report from Executive Director, Municipal Licensing and Standards

<http://www.toronto.ca/legdocs/mmis/2008/ls/bgrd/backgroundfile-11893.pdf>

Appendix A

<http://www.toronto.ca/legdocs/mmis/2008/ls/bgrd/backgroundfile-11895.pdf>

LS12.4	ACTION	Amended		Wards: All
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Sign By-law Enforcement

(March 20, 2008) Report from Chief Building Official/Executive Director, Toronto Building and Executive Director, Municipal Licensing and Standards

Recommendations

1. That the Licensing and Standards Committee receive this report and refer it to the Community Councils together with the respective Sign Investigation Lists attached to this report.

Financial Impact

There are no financial impacts associated with this report.

Summary

This report provides information respecting the status of sign by-law complaints, investigations and enforcement actions and outlines the roles of Toronto Building and Municipal Licensing and Standards related to enforcing the existing sign by-laws.

The sign permit process, including the way sign permits are issued and signs are inspected, as well as the system for receiving and investigating complaints of non-compliance have been reviewed and improved. All complaints are currently being investigated on an ongoing basis by Toronto Building and/or Municipal Licensing and Standards, and proactive enforcement action is taken where appropriate, including revocation of permits, issuing of Notices of Violation and/or Orders to Comply, and court action. The responsibilities for sign bylaw development, sign variance reports, and inspection/investigation of sign permits and complaints have been more clearly defined.

Toronto Building will be reporting later this year to the Planning and Growth Management Committee on the development of a new harmonized consolidated by-law for signs on private property. In the process of developing the new by-law, consideration will be given to the possible establishment of a billboard tax and the need for increases in permit fees to cover the administration and enforcement of the sign by-law in order to ensure there is sufficient staff to do the necessary inspections and to preserve the integrity of the by-law and permit system in the future.

Communications

(April 8, 2008) letter from Rami Tabello (LS.New.LS12.4.1)

Decision Advice and Other Information

The Licensing and Standards Committee:

- A. requested the Chief Building Official/Executive Director, Toronto Building and Executive Director, Municipal Licensing and Standards to:
 - (i) report back to the Licensing and Standards Committee on sign by-law enforcement, every six months, with any changes specifically highlighted until such time as Members of City Council have on-line access to detailed sign enforcement data (IBMS), such report to establish time limits for sign permits and yearly renewal fees for those permits;
 - (ii) in future reports, add the name of the company that owns the signs;
 - (iii) address the comments of Mr. Rami Tabello, in his letter of April 8, 2008, on the next sign enforcement report;

- (iv) report to the Licensing and Standards Committee, at its meeting on July 3, 2008, on the resources and staff dedicated to the enforcement of the sign by-law;
- B. requested Deputy City Manager Richard Butts to report back to the Licensing and Standards Committee on what additional resources may be required to proactively enforce and increase sign permit fees so as to provide the necessary enforcement on a cost recovery basis;
- C. requested the City Solicitor to report to the Licensing and Standards Committee on the outcome of the court action being heard by the Superior Court of Justice and thereafter immediately report on any necessary amendments required to the by-law that flow from the decision; and
- D. directed that the report (March 20, 2008) from the Chief Building Official/Executive Director, Toronto Building, and Executive Director, Municipal Licensing and Standards and respective Sign Investigation Lists be forwarded to the Community Councils with a request that they submit their comments directly to the Chief Building Official/Executive Director, Toronto Building, for consideration with the forthcoming report on the consolidated sign by-law.

Motions

Adopt Item as Amended motion moved by Councillor Howard Moscoe (Carried)

Declared Interests (Committee)

Councillor Rob Ford - as it relates to 34 Greensboro Drive in that he has an interest in the printing business located there.

Links to Background Information

Staff Report from Chief Building Official/Executive Director, Toronto Building and Executive Director, Municipal Licensing and Standards

(<http://www.toronto.ca/legdocs/mmis/2008/ls/bgrd/backgroundfile-11914.pdf>)

Attachment 1A

(<http://www.toronto.ca/legdocs/mmis/2008/ls/bgrd/backgroundfile-11896.pdf>)

Attachment 1B

(<http://www.toronto.ca/legdocs/mmis/2008/ls/bgrd/backgroundfile-11897.pdf>)

Attachment 2A

(<http://www.toronto.ca/legdocs/mmis/2008/ls/bgrd/backgroundfile-11898.pdf>)

Attachment 2B

(<http://www.toronto.ca/legdocs/mmis/2008/ls/bgrd/backgroundfile-11899.pdf>)

Attachment 3A

(<http://www.toronto.ca/legdocs/mmis/2008/ls/bgrd/backgroundfile-11900.pdf>)

Attachment 3B

(<http://www.toronto.ca/legdocs/mmis/2008/ls/bgrd/backgroundfile-11901.pdf>)

4a Licensing and Standards Committee Item 8.5 - Council Action

(November 26, 2007) Letter from City Council

Summary

City Council on November 19 and 20, 2007, adopted this Item, as amended, and in so doing, requested that the Licensing and Standards Committee refer the forthcoming report from the Chief Building Official/Executive Director and the Executive Director, Municipal Licensing and Standards, to the Community Councils with respect to ongoing inspection enforcement activities in their respective areas.

Links to Background Information

City Council Letter

(<http://www.toronto.ca/legdocs/mmis/2008/ls/bgrd/backgroundfile-11904.pdf>)

LS12.5	ACTION	Adopted		Wards: All
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Interpretation of Section 110 of the City of Toronto Act, 2006, with respect to the Regulation of Billboard Signs

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

(March 27, 2008) Report from City Solicitor

Recommendations

The City Solicitor recommends that:

1. Council direct that confidential attachment 1 remains confidential indefinitely as it contains advice that is subject to solicitor-client privilege.

Financial Impact

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

Summary

This report is to provide solicitor – client advice concerning the interpretation of Section 110(1) of the City of Toronto Act, 2006 with respect to third-party advertising copy on first-party signs.

Communications

(April 4, 2008) letter from Rami Tabello (LS.New.LS12.5.1)

Committee Recommendations

The Licensing and Standards Committee recommends that:

1. City Council direct that the confidential attachment in the report (March 27, 2008) from the City Solicitor remain confidential indefinitely as it contains advice that is subject to

solicitor-client privilege.

Decision Advice and Other Information

The Licensing and Standards Committee requested:

1. the City Solicitor to make any necessary modifications to the report (March 27, 2008) in order to permit it to become a public report for conveyance to City Council, for its meeting on April 28, 2008; and
2. Staff, in consultation with the City Solicitor, report on how "not substantially altered" has been interpreted by the City, citing specific examples that illustrate the full range of interpretation that has been applied.

Motions

Adopt Item as Amended motion moved by Councillor Howard Moscoe (Carried)

Extend the Meeting motion moved by Speaker Sandra Bussin (Carried)

Links to Background Information

Staff Report from City Solicitor

<http://www.toronto.ca/legdocs/mmis/2008/ls/bgrd/backgroundfile-11908.pdf>

LS12.6	ACTION	Received		Wards: All
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Illegal Posting of Third Party Signage on Utility Poles, Traffic Signs & City Property

(March 27, 2008) Memo from Councillor Mike Del Grande, Ward 39 - Scarborough - Agincourt

Summary

Requesting that the Director of Municipal Licensing and Standards report back to the Committee at its next meeting on May 9, 2008 about the number of charges and fines that have been levied on those people who post illegal signs.

Decision Advice and Other Information

The Licensing and Standards Committee received, for information, the (March 27, 2008) memo from Councillor Mike Del Grande, Ward 39 - Scarborough-Agincourt, on illegal posting of third party signage on utility poles, traffic signs and City property.

Motions

Receive Item motion moved by Councillor Mike Del Grande (Carried)

Links to Background Information

Councillor Mike Del Grande Memo

(<http://www.toronto.ca/legdocs/mmis/2008/ls/bgrd/backgroundfile-11902.pdf>)

LS12.7	ACTION	Referred		Wards: All
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Tow Truck License Application Refunds

(April 3, 2008) Memo from Councillor Moscoe, Ward 15 - Eglinton-Lawrence

Summary

Policy with respect to the license application refunds.

Speakers

Fernando Dominelli, Dominelli Service Station Limited

Decision Advice and Other Information

The Licensing and Standards Committee referred the (April 3, 2008) memo from Councillor Moscoe to the Executive Director, Municipal Licensing and Standards, with a request that she report back to the Licensing and Standards Committee, at its next meeting on May 9, 2008, on the Division's administrative policy for handling licence application refunds, renewals, cancellation requests and on the number of requests received for such matters.

Motions

Receive Item motion moved by Councillor Denzil Minnan-Wong (Lost)

Amend Item motion moved by Councillor Rob Ford (Lost)

That Mr. Fred Dominelli be issued a tow truck licence immediately.

Refer Item motion moved by Councillor Mike Del Grande (Carried)

Rulings

Ruling by Councillor Howard Moscoe

The Chair, Councillor Moscoe, ruled that Councillor Ford's motion to issue a tow truck licence to Mr. Fred Dominelli immediately was out of order as it was beyond the Committee's mandate and the subject before Committee was a policy matter.

Councillor Ford challenged the Chair.

The Chair's ruling was challenged and lost on tie votes which was recorded as follows:

For: Councillors Bussin, Minnan-Wong, and Moscoe (3)

Against: Councillors Del Grande, Ford and Perruzza (3)

Challenged by Councillor Rob Ford (*Not Upheld*)

Links to Background Information

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

(<http://www.toronto.ca/legdocs/mmis/2008/ls/bgrd/backgroundfile-11918.pdf>)

Attachment 1

(<http://www.toronto.ca/legdocs/mmis/2008/ls/bgrd/backgroundfile-11919.pdf>)

Attachment 2

(<http://www.toronto.ca/legdocs/mmis/2008/ls/bgrd/backgroundfile-11920.pdf>)

Attachment 3

(<http://www.toronto.ca/legdocs/mmis/2008/ls/bgrd/backgroundfile-11921.pdf>)

Meeting Sessions

Session Date	Session Type	Start Time	End Time	Public or Closed Session
2008-04-11	Morning	9:40 AM	12:30 PM	Public

Chair