

Licensing and Standards Committee

Meeting No.	15	Contact	Dela Ting, Acting Administrator
Meeting Date	Thursday, July 3, 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

Confirmation of Minutes

On motion by Councillor Mike Del Grande, the Minutes of the Meeting of the Licensing and Standards Committee held on June 6, 2008, were confirmed.

LS15.1	ACTION	Adopted		Wards: All
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Amendments to Municipal Code Respecting Dangerous Trees, Standards to Limit Entry to Vacant Buildings and Fencing of Hazardous Land Under the City Of Toronto Act, 2006.

(June 17, 2008) Report from City Solicitor, Executive Director, Municipal Licensing and Standards

Recommendations

The City Solicitor and the Executive Director of Municipal Licensing and Standards recommend that:

- (1) the Municipal Code be amended, under the authority of the City of Toronto Act, 2006, to permit the City to remedy certain unsafe or potentially unsafe conditions by:
 - (a) amending Chapter 813, Trees, to require owners or persons in charge of any premises to remove decayed, damaged or dangerous trees or branches that pose a danger to persons or property as described in section 105.1 of the City of Toronto Act, 2006;
 - (b) re-enacting the standards to protect against entry into vacant buildings, as defined in the Building Code Act, 1992 and set out in Chapter 629, Property Standards, in a new or other Municipal Code Chapter;
 - (c) requiring fencing of hazardous land;
 - (d) providing for rights of entry, notice, remedial action and adding costs incurred to the tax roll in accordance with section 105.1 of the City of Toronto Act, 2006 and otherwise in accordance with the general provisions pertaining to rights of entry (section 376), remedial action and addition of costs to the tax roll (section 386) as necessary to deal with unsafe and potentially unsafe conditions.
- (2) the City Solicitor be authorized to introduce the necessary Bills amending the Municipal Code in accordance with Recommendation (1).
- (3) Former City of Toronto Municipal Code, Chapter 331, Trees, Article II Dangerous Trees, be repealed; and
- (4) Municipal Code Chapter, 629, Property Standards, be amended as necessary.

Financial Impact

The recommendations will enable City Divisions to recover certain remediation costs for specific types of emergency work more effectively than at present where it is more difficult to recover for the reasons set out in this report and, in particular, by the current need to utilize legal resources in court applications for, in many cases, relatively small sums of money. While the City would lose the benefit of priority lien status for certain work, it would still be able to add such expenses to the tax roll. Overall, the financial implications are minimal and the City will be in a better position to recover some of its remediation costs more efficiently.

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

Summary

This report proposes amendments to the Municipal Code respecting dangerous trees and dangers posed by vacant buildings and hazardous land under the City of Toronto Act, 2006. These amendments would permit the City to remedy certain unsafe or potentially unsafe conditions and to recover its expenses of doing so in a manner that is more expeditious and less costly than under the procedures that apply to the enforcement and recovery of expenses in respect of Emergency Orders under the provisions of the Building Code Act, 1992.

Committee Recommendations

The Licensing and Standards Committee recommends that:

- (1) City Council amend the Municipal Code, under the authority of the City of Toronto Act, 2006, to permit the City to remedy certain unsafe or potentially unsafe conditions by:
 - (a) amending Chapter 813, Trees, to require owners or persons in charge of any premises to remove decayed, damaged or dangerous trees or branches that pose a danger to persons or property as described in section 105.1 of the City of Toronto Act, 2006;
 - (b) re-enacting the standards to protect against entry into vacant buildings, as defined in the Building Code Act, 1992 and set out in Chapter 629, Property Standards, in a new or other Municipal Code Chapter;
 - (c) requiring fencing of hazardous land;
 - (d) providing for rights of entry, notice, remedial action and adding costs incurred to the tax roll in accordance with section 105.1 of the City of Toronto Act, 2006 and otherwise in accordance with the general provisions pertaining to rights of entry (section 376), remedial action and addition of costs to the tax roll (section 386) as necessary to deal with unsafe and potentially unsafe conditions.
- (2) City Council authorize the City Solicitor to introduce the necessary Bills amending the Municipal Code in accordance with Recommendation (1).
- (3) City Council repeal former City of Toronto Municipal Code, Chapter 331, Trees, Article II Dangerous Trees; and
- (4) City Council amend Municipal Code Chapter, 629, Property Standards, as necessary.

Motions

Motion to Adopt Item moved by Councillor Mike Del Grande (Carried)

Links to Background Information

Staff Report from City Solicitor and Executive Director, Municipal Licensing and Standards (<http://www.toronto.ca/legdocs/mmis/2008/ls/bgrd/backgroundfile-14296.pdf>)

LS15.2	ACTION	Amended		Wards: All
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Fence Sight Lines

(June 16, 2008) Report from Executive Director, Municipal Licensing and Standards

Recommendations

The Executive Director of Municipal Licensing and Standards recommends that:

1. The amendments to Toronto Municipal Code Chapter 447, Fences 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.
2. Municipal Licensing and Standards develop and make available information materials for the general public, as deemed necessary; and
3. 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

One of the fundamental aims behind fence height restrictions is to ensure that sight lines are not obstructed so as to create hazards for both pedestrian and vehicular traffic.

Staff reviewed the City’s current fence provisions and identified a number of amendments that would make the By-law clearer and would tighten restrictions around driveways, where most sight line issues occur. In particular, the proposed amendments would require that any fence within 2.4 metres of any driveway be of chain-link or equivalent open-fence construction for at least 2.4 metres from the lot line at which the driveway begins. This would ensure a clear view for anyone reversing a motor vehicle from a driveway.

Some related and incidental amendments are also proposed, including the expansion of the meaning of fence, as used in the By-law, and the inclusion of a definition for driveway.

The proposed amendments would apply to new fences and those that are replaced.

This report was prepared in consultation with the City Solicitor.

Committee Recommendations

The Licensing and Standards Committee recommends to City Council that:

1. The amendments to Toronto Municipal Code Chapter 447, Fences 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.

2. The By-law be further amended so that it shall not be permitted to allow any vegetation to grow or object to be placed in such a way as to obstruct the view through an open-construction fence that is within 2.4 metres of a lot line and a driveway.
3. Municipal Licensing and Standards develop and make available information materials for the general public, as deemed necessary; and
4. Staff be directed to take any necessary actions to implement and otherwise put into effect the above recommendations.

Motions

Motion to Amend Item (Additional Recommendation 2) moved by Councillor Howard Moscoe (Carried)

Motion to Adopt Item as Amended moved by Councillor Rob Ford (Carried)

Links to Background Information

Staff Report from Executive Director, Municipal Licensing and Standards
<http://www.toronto.ca/legdocs/mmis/2008/ls/bgrd/backgroundfile-14297.pdf>

LS15.3	ACTION	Amended		Ward: 44
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Amendment to Toronto Municipal Code 545, Licensing, Areas Where Driving Instructions Prohibited

Public Notice

(June 18, 2008) Report from Executive Director, Municipal Licensing and Standards

Recommendations

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

1. The Toronto Municipal Code, Chapter 545, Licensing, Section 545-15(5) be amended by repealing the words “on the north by Finch Avenue East, on the west by Neilson Road, on the south by Ellesmere Road, and on the east by Meadowvale Road” and replacing them with “on the west by Meadowvale Road, on the east by the Municipal Boundary, on the north by Finch Avenue East, and on the south by Lawrence Avenue East”; and
2. The City Solicitor be directed to prepare the necessary bill to give effect to the recommendation in this report.

Financial Impact

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

Summary

DriveTest, the provincially licensed operators of Ontario's Driver Examination Centres, formerly managed by the Ontario Ministry of Transportation and now operated by Serco DES Inc. under a ten year licence agreement with Ministry, recently relocated a driver examination centre from Morningside Road and Highway 401 to 91 Rylander Blvd.

As a result of this relocation the current boundary of the area restricted for the provision of driving instruction found in the City of Toronto Municipal Code, Chapter 545, Licensing, which reads "...the area bounded on the north by Finch Avenue East, on the West by Neilson Road, on the south by Ellesmere Road, and on the east by Meadowvale Road..." no longer coincides with the current driver examination area. Therefore, an amendment to the City of Toronto Municipal Code, Chapter 545, Licensing, is being recommended to create a restricted area surrounding the new driver examination centre.

Committee Recommendations

The Licensing and Standards Committee recommends that:

1. City Council amend Toronto Municipal Code, Chapter 545, Licensing, Section 545-15(5) by repealing the words "on the north by Finch Avenue East, on the west by Neilson Road, on the south by Ellesmere Road, and on the east by Meadowvale Road" and replacing them with "on the west by Meadowvale Road, on the east by the Municipal Boundary, on the north by Finch Avenue East, and on the south by Lawrence Avenue East".
2. City Council require that all licensed driving schools in Toronto be notified and that municipalities, adjacent to Toronto within the vicinity of the prohibited area, be requested to notify their licensed driving schools as well; and
3. City Council direct the City Solicitor to prepare the necessary bill to give effect to these recommendations.

Motions

*Motion to Amend Item (Additional Recommendation 2) moved
by Councillor Howard Moscoe (Carried)*

Motion to Adopt Item as Amended 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-14298.pdf>)

LS15.4	Information	Withdrawn		Wards: All
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History of Ground Transportation at Lester B. Pearson Airport and the Airport Exemption Issue

(June 19, 2008) Report from Executive Director, Municipal Licensing and Standards

Financial Impact

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

Summary

The purpose of this report is to provide additional information to the Licensing and Standards Committee regarding the history of taxicab and limousine regulation as it relates to Toronto's Lester B. Pearson International Airport and the Greater Toronto Airport Authority (GTAA).

Decision Advice and Other Information

Item LS15.4 was withdrawn at the request of staff and therefore not considered by the Licensing and Standards Committee.

Links to Background Information

Staff Report from Executive Director, Municipal Licensing and Standards
<http://www.toronto.ca/legdocs/mmis/2008/ls/bgrd/backgroundfile-14299.pdf>

LS15.5	ACTION	Referred		Wards: All
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GPS Units in Taxi Cabs

(June 20, 2008) Memo from Councillor Norm Kelly, Ward 40 - Scarborough-Agincourt

Summary

Request for the mandatory installation of GPS (Global Positioning Systems) in all cabs licensed by the City of Toronto.

Speakers

Louis M. Seta, President, Toronto Taxicab Industry Association

Decision Advice and Other Information

The Licensing and Standards Committee referred the memo (June 20, 2008) from Councillor Norm Kelly to the Executive Director, Municipal Licensing and Standards for consideration and consultation with the taxi industry and report back to the Licensing and Standards Committee.

Motions

Motion to Refer Item moved by Speaker Sandra Bussin (Carried)

Links to Background Information

Memo from Councillor Norm Kelly - Ward 40 Scarborough-Agincourt
<http://www.toronto.ca/legdocs/mmis/2008/ls/bgrd/backgroundfile-14300.pdf>

LS15.6	ACTION	Referred		Wards: All
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Request for Regulation of Operating Hours for 24-Hour Businesses

(June 26, 2008) Memo from Councillor Frances Nunziata, Ward 11 - York South - Weston

Summary

Request of City Solicitor and Executive Director Municipal Licensing and Standards to provide options that the City has to regulate the operating hours of 24-hour business establishments.

Decision Advice and Other Information

The Licensing and Standards Committee advised Councillor Frances Nunziata to clarify and address issues raised in her memo (June 26, 2008), addressed to the Licensing and Standards Committee, with the Executive Director, Municipal Licensing and Standards to better examine options the City of Toronto has to regulate the operating hours of 24-hour business establishments.

Motions

Motion to Introduce Item moved by Councillor Howard Moscoe (Carried)

Links to Background Information

Memo from Councillor Frances Nunziata Ward 11 - York South - Weston
<http://www.toronto.ca/legdocs/mmis/2008/ls/bgrd/backgroundfile-14542.pdf>

Councillor Minnan-Wong in the Chair.

LS15.7	ACTION	Adopted		Wards: All
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Public Washrooms in Retail Stores

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

Summary

Request for amendment to Property Standards By-law to enforce Building Code requirements for public washrooms in Mercantile Occupancies.

Decision Advice and Other Information

The Licensing and Standards Committee requested the Executive Director, Municipal Licensing and Standards to:

1. draft an amendment to the City of Toronto Property Standards By-law that:
 - (a) will enable Municipal Licensing and Standards inspectors to enforce the Building Code requirements for mercantile occupancies to provide washrooms to which customers have access;
 - (b) include requirements for open customer access and appropriate signage; and
 - (c) allow for no more than six months for compliance.
2. table the matter for a statutory public hearing at the October 15, 2008 Licensing and Standards Committee meeting; and
3. consult with the Chief Building Official and the Medical Officer of Health.

which was recorded as follows:

FOR: Councillors Bussin, Del Grande, Ford, Moscoe and Perruzza (5)

AGAINST: Councillor Minnan-Wong (1)

Motions

Motion to Introduce Motion without Notice moved by Councillor Howard Moscoe (Carried)

Motion to Adopt Item moved by Councillor Howard Moscoe (Carried)

Links to Background Information

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

<http://www.toronto.ca/legdocs/mmis/2008/ls/bgrd/backgroundfile-14564.pdf>

LS15.8	ACTION	Withdrawn		Wards: All
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Request for Temporary Event Licenses for Limousines

(July 2, 2008) Letter from Councillor Karen Stintz, Ward 16 - Eglinton - Lawrence

Summary

Request for Municipal Licensing and Standards staff to meet the increased demands for vehicles during the Toronto Film Festival and other signature City events.

Decision Advice and Other Information

The Chair ruled Item LS15.8 out of order for the following reasons:

1. the parties involved and named in the letter (July 2, 2008) from Councillor Karen Stintz are in court action with the City of Toronto; and
2. the matter to be considered would require an extensive public hearing which could not happen in time for the Toronto Film Festival.

This item was therefore not considered.

Motions

Motion to Introduce Item moved by Councillor Mike Del Grande (Carried)

Links to Background Information

Letter from Councillor Karen Stintz, Ward 16 Eglinton - Lawrence
<http://www.toronto.ca/legdocs/mmis/2008/ls/bgrd/backgroundfile-14543.pdf>

Meeting Sessions

Session Date	Session Type	Start Time	End Time	Public or Closed Session
2008-07-03	Morning	9:35 AM	10:15 AM	Public

Chair