
Licensing and Standards Committee

Meeting No. 12
Meeting Date Friday, April 11, 2008
Start Time 9:30 AM
Location Committee Room 1, City Hall

Contact Dela Ting, Acting Administrator
Phone 416-397-7769
E-mail lsc@toronto.ca

Item		Page
LS12.3	Technical Amendments to Toronto Municipal Code Chapter 629, Property Standards (Wards: All)	1
LS12.5	Interpretation of Section 110 of the City of Toronto Act, 2006, with respect to the Regulation of Billboard Signs (Wards: All)	2

Licensing and Standards Committee

Meeting No. 12
Meeting Date Friday, April 11, 2008
Start Time 9:30 AM
Location Committee Room 1, City Hall

Contact Dela Ting, Acting Administrator
Phone 416-397-7769
E-mail lsc@toronto.ca

LS12.3	AMENDED			Wards: All
--------	---------	--	--	------------

Technical Amendments to Toronto Municipal Code Chapter 629, Property Standards

City Council Decision

City Council on April 28 and 29, 2008, adopted the following motions:

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.
3. City staff be authorized and directed to take any other action necessary to implement the by-law amendments.
4. The Executive Director, Municipal Licensing and Standards, be requested to report to the Licensing and Standards Committee whenever the Building Code is amended, so that Council can determine if enhancements to the Property Standards By-law are desirable and/or necessary.

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

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.

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 and 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.

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>)

Additional Background Information (City Council)

- Report (April 18, 2008) from the Executive Director, Municipal Licensing and Standards ([LS12.3a](#))

LS12.5	REFERRED			Wards: All
--------	----------	--	--	------------

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

City Council Decision

City Council on April 28 and 29, 2008, referred this Item back to the Licensing and Standards Committee and directed that:

1. the City Solicitor explain in detail how the term “substantially altered” is presently being interpreted by the City of Toronto and how it has been interpreted in the past in each of the component municipalities, citing specific examples;
2. the Chief Building Official and Executive Director, Toronto Building, in preparing the harmonized sign by-law, consider options to more explicitly define “substantially altered”; and
3. Confidential Attachment 1 to the report (April 17, 2008) from the City Solicitor [LS12.5a] remain confidential indefinitely, as it contains advice that is subject to solicitor-client privilege.

Confidential Attachment 1 to the report (March 27, 2008) from the City Solicitor, remains confidential in its entirety, in accordance with the provisions of the City of Toronto Act, 2006, as it contains information that is subject to solicitor-client privilege.

(March 27, 2008) Report from City Solicitor

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.

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.

Background Information

Staff Report from City Solicitor

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

Additional Background Information (City Council)

- Report (April 17, 2008) from the City Solicitor ([LS12.5a](#))

Confidential Attachment 1 to the report (April 17, 2008) from the City Solicitor, remains confidential in its entirety, in accordance with the provisions of the City of Toronto Act, 2006, as it contains information that is subject to solicitor-client privilege.

Communications

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

Submitted Friday, April 11, 2008

Councillor Howard Moscoe, Chair, Licensing and Standards Committee