
Licensing and Standards Committee

Meeting No. 15
Meeting Date Thursday, July 3, 2008
Start Time 9:30 AM
Location Committee Room 1, City Hall

Contact Dela Ting, Acting Administrator
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Item		Page
LS15.1	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 (Wards: All)	1
LS15.2	Fence Sight Lines (Wards: All)	2
LS15.3	Amendment to Toronto Municipal Code 545, Licensing, Areas Where Driving Instructions Prohibited (Ward: 44)	3

Licensing and Standards Committee

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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		

LS15.1	Adopted			Ward: 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.

City Council Decision

City Council on July 15, 16 and 17, 2008, adopted the following motions:

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; and
 - 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.
4. City Council amend Municipal Code Chapter, 629, Property Standards, as necessary.

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

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.

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.

Background Information (Committee)

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	Adopted			Ward: All
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Fence Sight Lines

City Council Decision

City Council on July 15, 16 and 17, 2008, adopted the following motions:

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.
4. Staff be directed to take any necessary actions to implement and otherwise put into effect the above recommendations.

(June 16, 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 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.

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.

Background Information (Committee)

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

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

City Council Decision

City Council on July 15, 16 and 17, 2008, adopted the following motions:

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.
3. City Council direct the City Solicitor to prepare the necessary bill to give effect to these recommendations.

Public Notice

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

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.

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.

Background Information (Committee)

Staff Report from Executive Director, Municipal Licensing and Standards
(<http://www.toronto.ca/legdocs/mmis/2008/ls/bgrd/backgroundfile-14298.pdf>)

Submitted Thursday, July 3, 2008

Councillor Howard Moscoe, Chair, Licensing and Standards Committee