

Licensing and Standards Committee

Meeting No.	21	Contact	Dela Ting, Acting Administrator
Meeting Date	Thursday, May 7, 2009	Phone	416-397-7769
Start Time	9:30 AM	E-mail	lsc@toronto.ca
Location	Committee Room 1, City Hall	Chair	Councillor Howard Moscoe

Licensing and Standards Committee		
Councillor Howard Moscoe (Chair)	Councillor Mike Feldman	Councillor Anthony Perruzza
Councillor Denzil Minnan-Wong (Vice Chair)	Councillor Rob Ford	Councillor David Shiner

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Declarations of Interest under the Municipal Conflict of Interest Act**Speakers/Presentations: A complete list will be distributed at the meeting****Confirmation of Minutes: April 15, 2009****Communications/Reports**

LS21.1	ACTION			Ward: All
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Mandatory Child Restraint Seats In Taxicabs**Origin**

(April 15, 2009) Report from Executive Director, Municipal Licensing and Standards

Recommendations

1. This Report be received for information.

Summary

R.R.O., Regulation 613, Seat Belt Assemblies, as amended, (Regulation 613) to the *Highway Traffic Act*, R.S.O. 1990, c. H.8, as amended, (*Highway Traffic Act*) specifically exempts taxicab drivers from the requirements to provide a car seat for children, except when the taxicab is operated by or under contract for the transportation of children with a school board or other authority in charge of a school.

It is currently beyond the authority of the City to mandate child restraint seats in taxicabs. An amendment to the *Highway Traffic Act* and/or Regulation 613 would be required before the matter could be further considered.

Financial Impact

There is **no** financial impact beyond what has already been approved in the current year's budget.

Background Information

Staff Report from Executive Director, Municipal Licensing and Standards
<http://www.toronto.ca/legdocs/mmis/2009/ls/bgrd/backgroundfile-20662.pdf>

LS21.2	ACTION			Ward: All
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Amendments to Toronto Municipal Code Chapter 629, Property Standards- Washrooms within Mercantile Occupancies

Public Notice

Origin

(April 27, 2009) Report from Executive Director, Municipal Licensing and Standards

Recommendations

It is recommended that:

- (1) Council adopt the proposed by-law amendments to Toronto Municipal Code Chapter 629, Property Standards, substantially as 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.

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 contain signage provisions 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.

This report and draft by-law that was originally considered by Licensing and Standards Committee at its meeting of October 15, 2008 as item LS16.6 is being resubmitted. City Council, at its October 29 and 30, 2008 meeting, referred the original report to the General Manager of Economic Development, Culture and Tourism for a report on the economic impacts on businesses. The General Manager has submitted his report to the Committee under separate

cover.

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

Financial Impact

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

Background Information

Staff Report from Executive Director, Municipal Licensing and Standards
(<http://www.toronto.ca/legdocs/mmis/2009/ls/bgrd/backgroundfile-20762.pdf>)

2a Economic Impact of Proposed Amendments to Toronto Municipal Code Chapter 629, Property Standards- Washrooms within Mercantile Occupancies

Public Notice

Origin

(April 21, 2009) Report from General Manager of Economic Development, Culture and Tourism

Recommendations

The General Manager of Economic Development, Culture and Tourism recommends that:

1. the signage provisions in the draft by-law be amended to add the words “or such other signage that incorporates the universal male and female symbols for washrooms and is to the satisfaction of the Executive Director, Municipal Licensing and Standards”

Summary

The proposed by-law amendments will have several types of economic impacts, but generally these impacts are expected to be modest. Most retailers already comply with the spirit of the proposed changes to the Property Standards By-law; however, some unknown number of retailers do not provide washrooms for customer use.

The proposed changes to the by-law will have the effect of creating a public perception that they have a “right” to use a washroom in a store, where most residents currently view this as a privilege. In addition, the proposed signage provisions will have an impact on some retailers. The recommendation in this report is designed to mitigate the impact of the signage provisions.

Consultations have been conducted with industry stakeholders to get a better sense of these impacts. Generating a reliable monetary estimate of potential impacts would, however, require door-to-door sampling of many retail establishments, and would be cost and time prohibitive.

This report was drafted in consultation with Municipal Licensing and Standards staff.

Financial Impact

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

Background Information

Staff Report from General Manager, Economic Development, Culture and Tourism
<http://www.toronto.ca/legdocs/mmis/2009/ls/bgrd/backgroundfile-20763.pdf>

LS21.3	ACTION			Ward: All
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Motion Controlled Apartment Building Corridor Lighting

Origin

(April 20, 2009) Report from Executive Director, Municipal Licensing and Standards

Recommendations

The Executive Director, Municipal Licensing and Standards recommends that:

1. The City of Toronto Municipal Code Chapter 629, Property Standards, be amended substantially as follows:
 - a. The following definition be inserted in alphabetical order in § 629-1, Definitions:

MOTION SENSOR CONTROLLED SWITCH —An electrical control device activated by movement within a defined area, for the purpose of operating one or more electrical fixtures
 - b. Section 629-36, Lighting, be amended by adding the following:
 - H. Motion sensor controlled switches.
 - (1) All interior lighting required by this chapter to provide a minimum level of illumination may be controlled by motion sensor controlled switches, except where the lighting is:
 - (a) For a storage garage with a capacity of more than five vehicles.
 - (b) For a stairway.
 - (c) Adjacent to or within a doorway identified as an exit.
 - (2) A motion sensor controlled switch permitted under Subsection H(1) shall:
 - (a) Be designed for fail-safe operation so that if the motion sensor controlled switch fails, the electrical fixture which it controls

activates.

- (b) Control an area that is not more than 240 square metres or 7.5 metres in any direction.
 - (c) Maintain the lights within its area of control active for a minimum of 15 minutes after the activity that caused the light to activate has stopped or left its area of control.
- (3) Where lighting is activated by motion sensor controlled switches permitted under Subsection H(1):
- (a) All of the lighting within an area contained between vertical partitions shall be activated by the operation of any motion sensor controlled switch located within that area.
 - (b) A minimum level of illumination of 10 lux, and equal to the minimum level of illumination required for emergency lighting shall be provided to all areas, at all times.
2. The City Solicitor prepare the necessary bill to give effect to the recommendations of this report.

Summary

The Ontario Building Code in section 12.2.2.1 permits the use of motion sensor controlled lighting in the common areas of apartment buildings except where the lighting is intended for 24-hour operation; the lighting is emergency lighting; or the lighting for spaces where an automatic shut-off would endanger safety or security

The purpose of this report is to recommend an amendment of the Toronto Municipal Code Chapter 629, Property Standards, § 629-36 so that the owners of existing multiple residential apartment buildings are permitted to realize energy savings by permitting the installation and use of motion controlled switches.

Three areas in buildings were considered: interior corridors; stairways; and garages.

All interior lighting required to provide a minimum level of illumination may be controlled by motion sensor controlled switches, except where the lighting is:

- (a) For a storage garage with a capacity of more than five vehicles.
- (b) For a stairway.
- (c) Adjacent to or within a doorway identified as an exit.

It is also considered, from a safety and security prospective, to be highly desirable that a minimum level of illumination of 10 lux is maintained at all times, in all areas.

Financial Impact

There is **no** financial impact beyond what has already been approved in the current year's budget.

Background Information

Staff Report from Executive Director, Municipal Licensing and Standards
<http://www.toronto.ca/legdocs/mmis/2009/ls/bgrd/backgroundfile-20664.pdf>

LS21.4	ACTION			Ward: All
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2008 Annual Report of the Toronto Licensing Tribunal**Origin**

(April 14, 2009) Report from Executive Director, Municipal Licensing and Standards

Recommendations

The Executive Director of Municipal Licensing and Standards recommends that:

1. The issues raised in the report of the Chair of the Licensing Tribunal be referred to the appropriate staff for a report back to the Licensing and Standards committee.

Summary

Ms. Carol Shirliff-Hinds, the Chair of the Toronto Licensing Tribunal, submitted a report, dated February 18, 2009, to the Deputy City Manager, and the Licensing and Standards Committee.

In her report, Ms Shirliff-Hinds identifies three primary concerns:

1. Tribunal Decisions are not at this time published on the City Web Site;
2. The wording, provided in appendix K of the City of Toronto, Municipal Code Chapter 545, Licensing, requires review and amendment for clarity; and
3. A review of the Relationship Framework that exists between the Tribunal and Council is required.

A copy of the report of the Chair of the Toronto Licensing Tribunal, dated February 18, 2009, has been provided to the Legal Services and Court Services Divisions and to the City Managers Office for their information.

Financial Impact

There is **no** financial impact beyond what has already been approved in the current year's budgets.

Background Information

Staff Report from Executive Director, Municipal Licensing and Standards
<http://www.toronto.ca/legdocs/mmis/2009/ls/bgrd/backgroundfile-20666.pdf>

4a 2008 Annual Report of the Toronto Licensing Tribunal

Origin

(February 18, 2009) Report from Carol Shirliff-Hinds, Chair, Toronto Licensing Tribunal

Summary

Submitting the 2008 Toronto Licensing Tribunal Annual Report.

Background Information

Toronto Licensing Tribunal 2008 Annual Report

(<http://www.toronto.ca/legdocs/mmis/2009/ls/bgrd/backgroundfile-20667.pdf>)

1657575 Ontario Inc., v. Hamilton (City)

(<http://www.toronto.ca/legdocs/mmis/2009/ls/bgrd/backgroundfile-20670.pdf>)

Toronto Licensing Tribunal Brochure

(<http://www.toronto.ca/legdocs/mmis/2009/ls/bgrd/backgroundfile-20671.pdf>)

LS21.5	Information			Ward: All
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Consideration of Other Holiday and Cultural Events that Use Fireworks

Origin

(April 20, 2009) Report from Fire Chief, Toronto Fire Services

Summary

Toronto Fire Services regulates five types of fireworks vendors that provide a variety of methods to sell fireworks and make them available to citizens for Victoria Day, Canada Day and such celebrations as Diwali. While the Permanent Fireworks vendors can sell year round, all other temporary vendors can sell on the Victoria Day, Canada Day and Diwali holidays and the 7-day periods before each of these celebrations. To assist with the discharge of fireworks for cultural and special events, the fireworks by-law gives the City the ability to issue Special Occasions Discharge Permits for family fireworks. The Special Occasions Discharge Permits will enable Toronto Fire Services to account for and document fireworks that the City has authorized to be safely discharged.

Financial Impact

There are no financial implications associated with this report.

Background Information

Staff Report from Fire Chief, Toronto Fire Services

(<http://www.toronto.ca/legdocs/mmis/2009/ls/bgrd/backgroundfile-20665.pdf>)