
Licensing and Standards Committee

Meeting No.	24	Contact	Dela Ting, Acting Administrator
Meeting Date	Thursday, October 8, 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: September 21, 2009****Communications/Reports**

LS24.1	ACTION			Ward: All
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Tobacco Retail Licence Fees**Origin**

(September 21, 2009) Report from Executive Director, Municipal Licensing and Standards

Recommendations

The Executive Director of Municipal Licensing and Standards recommends that:

- Chapter 545, Licensing, of the City of Toronto Municipal Code remain unchanged for business licensing fees for Smoke Shops category B45 and endorsements to businesses under class 004 for the sale of tobacco.

Summary

The purpose of this report is to compare Toronto's tobacco retail licence fee with other municipalities in Ontario and to recommend whether or not the City of Toronto should increase its business licensing fees for the sale of tobacco.

It is recommended that business licensing fees for Smoke Shops and businesses that are endorsed to sell tobacco remain unchanged. Municipal Licensing and Standards (ML&S) concludes that there is no valid municipal purpose to increase the current licensing fees or to charge a separate licensing fee for the retail sale of tobacco. Licensing fees are cost recovery and administering this type of business would not create additional costs to ML&S. If a licensing fee is not reasonably tied to the cost of administration and enforcement, it could be interpreted as indirectly imposing a sales tax on the sale of tobacco. Pursuant to 267. (2)(5)(iv) of the *City of Toronto Act* (COTA), the City is specifically prohibited from imposing a sales tax on the purchase of tobacco. In addition, retail tobacco sales are regulated by the Smoke Free Ontario Act, which is enforced by Public Health and funded by the Province.

This report was prepared in consultation with Public Health and Legal Services.

Financial Impact

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

Background Information

Staff Report from Executive Director, Municipal Licensing and Standards
<http://www.toronto.ca/legdocs/mmis/2009/ls/bgrd/backgroundfile-23798.pdf>

LS24.2	ACTION			Ward: All
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Business Licensing Thresholds

Public Notice

Origin

(September 16, 2009) Report from Executive Director, Municipal Licensing and Standards

Recommendations

The Executive Director of Municipal Licensing and Standards recommends that the Licensing and Standards Committee:

1. Adopt the amendments to Schedule A of Appendix K of Toronto Municipal Code Chapter 545, Licensing, as per Appendix A of this report;
2. Adopt deletion of the note, following 2-I of Appendix K;
3. Adopt January 1, 2010 as the date for the by-law amendments to come into effect;
4. Direct the City Solicitor to prepare the necessary bill, including any stylistic or technical amendments required, to give effect to any recommendations adopted by City Council; and
5. Authorise and direct City staff to take any other action necessary to implement the by-law amendments.

Summary

This report is a response to a request from the Licensing and Standards Committee to consider the recommendations from the Chair of the Toronto Licensing Tribunal respecting the City's business licensing thresholds, which were unanimously found by the Tribunal to be vague as a result of the absence of references to specific sections of the Criminal Code.

When first introduced in 2004, the licensing thresholds included references to specific sections of the Criminal Code and other Statutes cited. These references were eliminated in 2005, on recommendation from staff who noted that the references, due to extended time periods under the purview of the thresholds, could under certain circumstances be making reference to erroneous sections.

Despite this, staff agree that fuller descriptions could be beneficial to both staff and Tribunal members and as such are recommending that they be provided in Schedule A of Appendix K.

Staff also recommend a technical amendment, to delete a note in Appendix K, to make the text fully consistent with the 2007 amendments.

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

Public notice has been given in a manner prescribed in the Toronto Municipal Code Chapter 162, Notice, Public.

Financial Impact

There are no financial implications beyond those in the current budget arising from the recommendations of this report.

Background Information

Staff Report from Executive Director, Municipal Licensing and Standards
(<http://www.toronto.ca/legdocs/mmis/2009/ls/bgrd/backgroundfile-23799.pdf>)

(Deferred from May 7, 2009 - 2009.LS21.4)

LS24.3	ACTION			Ward: All
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Report of the Toronto License Tribunal Chair

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-23551.pdf>

Communications

(April 16, 2009) Report from Carol Shirliff-Hinds, Chair, Toronto Licensing Tribunal (LS.Main.LS24.3.1)

<http://www.toronto.ca/legdocs/mmis/2009/ls/comm/communicationfile-12059.pdf>

(April 16, 2009) Submission from Carol Shirliff-Hinds, Chair, Toronto Licensing Tribunal (LS.Main.LS24.3.1 Att 1)

<http://www.toronto.ca/legdocs/mmis/2009/ls/comm/communicationfile-12060.pdf>

(April 16, 2009) Submission from Carol Shirliff-Hinds, Chair, Toronto Licensing Tribunal (LS.Main.LS24.3.1 Att 2)

<http://www.toronto.ca/legdocs/mmis/2009/ls/comm/communicationfile-12061.pdf>

(April 16, 2009) Submission from Carol Shirliff-Hinds, Chair, Toronto Licensing Tribunal (LS.Main.LS24.3.1 Att 3)

<http://www.toronto.ca/legdocs/mmis/2009/ls/comm/communicationfile-12062.pdf>

(May 7, 2009) Submission from Carol Shirliff-Hinds, Chair, Toronto Licensing Tribunal (LS.Main.LS24.3.2)

<http://www.toronto.ca/legdocs/mmis/2009/ls/comm/communicationfile-12058.pdf>

(Deferred from May 7, 2009 - 2009.LS21.4a)

3a 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-23555.pdf>

1657575 Ontario Inc., v. Hamilton (City)

<http://www.toronto.ca/legdocs/mmis/2009/ls/bgrd/backgroundfile-23556.pdf>

Toronto Licensing Tribunal Brochure

<http://www.toronto.ca/legdocs/mmis/2009/ls/bgrd/backgroundfile-23557.pdf>

LS24.4	ACTION			Ward: All
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Amendments to Chapter 548 of the Toronto Municipal Code Littering and Dumping

Public Notice

Origin

(September 16, 2009) Report from Executive Director, Municipal Licensing and Standards

Recommendations

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

1. Council adopt the proposed amendments to Chapter 548, Littering and Dumping of Refuse, as found in Appendix “A”, attached to this report.

Summary

The purpose of this report is to recommend amendments to Chapter 548 which will improve the ability of staff to enforce the chapter, by clarifying definitions and implementing previously identified technical amendments.

Financial Impact

There are no financial implications resulting from this report.

Background Information

Staff Report from Executive Director, Municipal Licensing and Standards
<http://www.toronto.ca/legdocs/mmis/2009/ls/bgrd/backgroundfile-23801.pdf>

LS24.5	ACTION			Ward: All
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Taxi Industry Ad Hoc Fee Structure and Inequality for Persons with Mobility Disabilities

Origin

(September 8, 2009) Letter from Executive Committee

Summary

To refer the letter (September 8, 2009) from Councillor A.A. Heaps respecting the taxi industry ad hoc structure and inequality for person with mobility disabilities to the Executive Director, Municipal Licensing and Standards for a report to the Committee.

Background Information

Letter from Executive Committee

<http://www.toronto.ca/legdocs/mmis/2009/ls/bgrd/backgroundfile-23807.pdf>

Attachment 1 - Letter from Councillor A.A. (Adrian) Heaps, Chair Disability Issues Committee

<http://www.toronto.ca/legdocs/mmis/2009/ls/bgrd/backgroundfile-23808.pdf>

Attachment 2 - Submission from Fran Nyitray and Donna Ryder, Ryerson University

<http://www.toronto.ca/legdocs/mmis/2009/ls/bgrd/backgroundfile-23809.pdf>