

Administrative Delegation to Establish and Select Members of Licensing Examining Panels

Date:	December 15, 2008
To:	Licensing and Standards Committee
From:	Jim Hart, Executive Director, Municipal Licensing and Standards
Wards:	All
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SUMMARY

This report recommends that the Executive Director of the Municipal Licensing and Standards Division be delegated the authority to establish Examining Panels and select members as required in accordance with the Council-approved criteria to conduct and mark examinations for certain trade licences.

The term “Examining Panel” to be used instead of “Examining Board” to clarify that, this is an administrative body, which does not operate as a board. The Toronto Municipal Code, §545, Licensing, will need to be amended to reflect these changes and to delete certain sections relating to the licensing of electrical contractors and examining and licensing of master electricians. In November 2005, the provincial government passed a Bill to give province wide authority to the Electrical Safety Authority to licence these trades. This came into force on July 1st, 2006.

This report also recommends changes with respect to examinations of applicants for a master plumber and drain layer’s licence.

RECOMMENDATIONS

The Executive Director, Municipal Licensing and Standards Division, recommends that City Council:

1. delegate to the Executive Director of the Municipal Licensing and Standards Division the authority to establish Examining Panels and select members, as

- required, in accordance with the relevant qualifications set out in the Toronto Municipal Code, §545-416 and §545-434;
2. amend the Toronto Municipal Code, §545, Licensing, to give effect to the above recommendation and to delete relevant provisions of Article XXXIII relating to the licensing of electrical contractors and master electricians; and amend and delete relevant provisions of Article XXXIV relating to the examining of master plumber examinations, as well as adding certain provisions regarding examinations of drain layers; and
 3. authorize the City Solicitor to submit any necessary bills to give effect to the recommendations in this report.

Implementation Points

The need to select qualified examiners is potentially time sensitive. If any of the current members resign or are unable to conduct a scheduled examination, such examination would need to be cancelled. This would cause a delay in the application process for certain trade licences.

Financial Impact

There are no financial implications arising from this report.

DECISION HISTORY

Prior to amalgamation, staff of the former Metropolitan Licensing Commission canvassed the respective industry for qualified examiners and forwarded the candidate list to the Metropolitan Licensing Commission for approval. In March 2000, the new City Council approved some interim replacements to fill vacancies.

ISSUE BACKGROUND

Examinations are conducted on a regular basis for applicants for certain trade licences. The City would benefit if the Municipal Licensing and Standards Division is given the administrative flexibility to establish the necessary Examining Panel and select from a pool of qualified members that they can call upon to serve as required to meet ongoing or changing demands.

COMMENTS

The Municipal Licensing and Standards Division will continue its past practice of contacting the respective industry for qualified examiners who meet the Council-approved qualifications.

Master Plumber's Examining Panel

Article XXXIV of Chapter 545 relates to the examination process only for applicants for a master plumber's licence and does not specifically refer to drain layer examinations. Section 545-416 of Chapter 545 sets out the following composition of the examining body and the qualifications for serving:

- (a) A chair who is conversant with the skills and has the knowledge required to exercise the several trades, businesses or occupations to which this article relates, and is familiar with the pertinent legislation concerning the same; and
- (b) Two persons who shall be qualified as licensed master plumbers with at least 10 years' experience as master tradesmen, or as persons who teach such trade in a trade school in the Province of Ontario.

Drain laying is a subsidiary trade of plumbing and current Examining Board members are expert plumbers duly qualified to conduct examinations of with respect to both drain laying and plumbing.

Under Ontario law it is illegal for anyone other than an apprentice, a holder of a valid provisional certificate, or the holder of a valid licence called a Certificate of Qualification (C of Q) to do any of the work of a plumber. Accordingly, the City no longer examines plumbers for the purpose of issuing a municipal licence, as it accepts an applicable Certificate of Qualification issued under the Trades Qualification and Apprenticeship Act (1981). Furthermore, applicants who hold such certificate with respect to the plumbing trade also automatically qualify for the drain laying and drain contracting licences.

Provincial Certificate of Qualification specifically for drain laying is not available. As a result, the City continues to hold examinations of applicants for drain layer's licences who do not hold a Certificate of Qualification for plumbing. There are, however, no provisions under Chapter 545 dealing explicitly with the examination with respect to this subsidiary trade.

Accordingly, Chapter 545, should be amended to,

- delete the requirement of examination by the City regarding master plumber's licences,
- add the requirement of submission of a Certificate of Qualification regarding master plumber's licences, and
- add the requirement of examination by the City regarding drain layer's licences.

Building Renovator Examining Panel

Article XXXVI relates to the examination process for applicants for a building renovator licence, and §545-434 sets out the following composition of the examining body and the qualifications for serving:

- (a) A chair who is conversant with the skills and has the knowledge required to exercise the several trades, businesses or occupations to which this article relates, and is familiar with the pertinent legislation concerning the same; and
- (b) No fewer than two persons and no more than four persons, who have had at least 10 years' experience in the building, renovating or general contracting business, or a person who teaches architectural trades in a trade school of the Province of Ontario.

Electrical Contractors and Master Electricians

The City is no longer responsible for the licensing of electrical contractors, master electricians and the examination process for master electricians. As of July 1, 2006, the Electrical Safety Authority assumed province wide responsibility for these functions. The relevant sections of Article XXXIII in the Toronto Municipal Code, §545, Licensing, need to be deleted.

Administrative Delegation to Select Panel Members

Delegating the administrative authority to ML&S to establish the necessary Examining Panels and select members from a pool of qualified examiners, as required, will facilitate the effective functioning of the examination process. This report does not change the other provisions in the Toronto Municipal Code, §545, Licensing, relating to the licensing and examination requirements for the affected trades.

The City Manager and City Solicitor were consulted in the preparation of this report.

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SIGNATURE

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