



STAFF REPORT ACTION REQUIRED

Proposed Amendment to the City of Toronto Municipal Code, Chapter 545, Licensing, Regarding the Toronto Licensing Tribunal

Date:	March 26, 2009
To:	Licensing and Standards Committee
From:	Jim Hart, Executive Director, Municipal Licensing and Standards
Wards:	All
Reference Number:	

SUMMARY

To report on and recommend amendments to the City of Toronto, Municipal Code, Chapter 545, Licensing, regarding provisions relating to conditions placed on licences by the adjudicating panels of the Toronto Licensing Tribunal.

Currently the Municipal Code requires that the same panel which ordered conditions to be placed on a licence adjudicate the issue of the subsequent breach of those conditions. This provision causes tribunal panel scheduling problems along with the fact that the former members of the tribunal panel may no longer be available to adjudicate on the matter brought before the tribunal.

RECOMMENDATIONS

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

1. The City of Toronto, Municipal Code, Chapter 545, Licensing, be amended by removing from § 545-6D(2) the words “the panel of the Toronto Licensing Tribunal which issued the conditions may:” and replacing them with the words “the Toronto Licensing Tribunal may:”; and

2. The City Solicitor be directed to prepare the necessary bill to give effect to the recommendations in this report, effective immediately; and,
3. All other appropriate City officials be authorized and directed to take the necessary actions to give effect thereto.

Financial Impact

The recommendations in this report will have no financial impact beyond what has already been approved in the current year's budget.

ISSUE BACKGROUND

This issue was brought to the attention of the Executive Director of Municipal Licensing and Standards by Toronto Legal Services staff, which represents the City at the hearings of the Toronto Licensing Tribunal. Toronto Legal Services staff requested that the City of Toronto, Municipal Code, Chapter 545, Licensing, be amended as recommended in this report in order to prevent tribunal hearing scheduling problems and allowing a current panel to adjudicate on matters previously decided by different tribunal panel members.

COMMENTS

Currently the Municipal Code § 545-6D(2) Conditions on Licences, requires that a licensee who is bound by conditions placed on the licence by the Toronto Licensing Tribunal, when in contravention of said conditions, must appear before the same panel of the Toronto Licensing Tribunal must adjudicate regarding any penalties or further conditions to be placed on the licence. This provision causes tribunal panel scheduling problems along with the fact that the former members of the tribunal panel may no longer be available to adjudicate on the matter brought before the tribunal.

Therefore it is recommended that the Municipal Code be amended to allow for the currently sitting tribunal panel to adjudicate matters which would currently have to be deferred until the panel originally imposing the conditions becomes available, if possible, to adjudicate further on the matter.

This report was prepared in consultation with Toronto Legal Services.

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

CONTACT

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SIGNATURE

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