

Thursday, July 10, 2008

From: Howard Moscoe

To: Chair and Members of the Licensing and Standards Committee

Re: Fairness Protocol for Removal of Street Vendors

A street vendor who obtains a permit to occupy public property is there at the deference of the city. Because it is a permit to occupy public property when a vendor obtains a permit it is clearly issued on the basis that it can be revoked at any time and its issuance is contingent on the understanding of its temporary nature. At the same time the city has an obligation in dealing with vendors to treat them as they would any other citizens that are issued street occupation permits.

Encroachment agreements, for example, are issued for ten years and reviewed after that time. Similarly, in the case of permits to display produce and sidewalk café permits the city recognizes them as more than simply casual understandings. A telecom installation, for example, is as close to permanent installations as any street occupation permit can be.

As in its dealings with all of its citizens, while the city has the absolute right to remove a vendor, it has an obligation to treat vendors fairly. In the recent re-construction of Bloor Street the vendors first heard of their removal from the medial. No discussion had ever taken place with any of the eleven displaced vendors.

I am proposing this as a fairness protocol:

1. Vendors can be removed at the discretion of the city without notice in order to affect emergency repairs and when the space is required in any other emergency situation.
2. In the case of scheduled construction the city shall provide vendors with at least one month notice.

3. In the case of special events, vendors if they are required to be removed shall be notified within 48 hours of the receipt of the application for a special event permit.
4. When a vendor is required to vacate a space for scheduled construction the city will make every effort to provide a temporary location in as close proximity as possible to the original vending spot. If that is not possible, at some other location.
5. The city when it displaces a vendor for construction will make every effort to provide for the return of the vendor to the original location or as close as possible to that location.
6. Appeals on vending locations have been delegated to the respective community councils. Appeals on vending licenses would be heard by the licensing tribunal.
7. Staff report on the feasibility of establishing a threshold system similar to the system used for taxis.

Howard Moscoe,
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