

## Licensing and Standards Committee

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

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**Contact** Dela Ting, Acting Administrator  
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**Chair** Councillor Howard Moscoe

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

#### *Public Notice*

#### **Committee Recommendations**

The Licensing and Standards Committee again recommends that:

1. City Council adopt the proposed by-law amendments to Toronto Municipal Code Chapter 629, Property Standards, substantially as in Appendix A of the report (April 27, 2009) from the Executive Director, Municipal Licensing and Standards.
2. The by-law shall apply to mercantile occupancies over 3,230 square feet that are required by the Ontario Building Code to provide public washrooms for the use of their customers.
3. The retail occupancy shall ensure that those washrooms are available for the use of their customers at all times that the mercantile occupancy is open for business.
4. Each mercantile occupancy which is required by this by-law to provide washroom access to its customers shall display a sign indicating that such washroom access is available.
5. Each sign shall:
  - a. be deployed in a prominent manner so that its is plainly readable by any customer; and
  - b. be in a form and of a size approved by the Executive Director, Municipal Licensing and Standards, or his designate.

6. 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".
7. City Council direct the City Solicitor to prepare the necessary bill to give effect to any recommendations adopted by Council; and
8. City Council authorize and direct City staff to take any other action necessary to implement the by-law amendments.

### **Decision Advice and Other Information**

The Licensing and Standards Committee requested the Executive Director, Municipal Licensing and Standards to advise the Chair and Members of the Committee if the Toronto Transit Commission can be requested to comply with this by-law.

### **Origin**

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

### **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.

### **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

### **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.

### **Background Information**

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

*Submitted Thursday, May 7, 2009*

*Councillor Howard Moscoe, Chair, Licensing and Standards Committee*