



## STAFF REPORT ACTION REQUIRED

### Amendments to Municipal Code Chapter 545, Licensing, to improve Toronto Licensing Tribunal process

<b>Date:</b>	May 10, 2010
<b>To:</b>	City Council
<b>From:</b>	City Clerk
<b>Wards:</b>	All
<b>Reference Number:</b>	

#### SUMMARY

---

This report recommends that City Council refer part of item LS29.6 back to the Licensing and Standards Committee. This will permit notice of proposed amendments to the Licensing by-law to be given, as required under the City's Notice by-law, and protect the public's right to input.

#### RECOMMENDATIONS

---

**The City Clerk recommends:**

1. That City Council refer the following Recommendation 2 of item LS29.6 back to the Licensing and Standards Committee for consideration at its next meeting on May 27, 2010:

"City Council amend Municipal Code Chapter 545, Licensing, to allow the Tribunal to dismiss as abandoned new applications where:

- a. the applicant does not appear despite being duly served at the address provided in the application, such evidence to be received under oath from Tribunal staff; or
  - b. the Tribunal receives evidence that the Applicant no longer wishes to pursue the business licence which is the subject of the application."
2. That City Council request the City Clerk to give notice of the proposed amendments to Municipal Code Chapter 545, Licensing, as required under Municipal Code Chapter 162, Notice.

## **Implementation Points**

The City Clerk will post a Notice of the proposed licensing amendments on the Public notice page of the City's web site at least 5 days before the next Licensing and Standards Committee meeting.

## **Financial Impact**

These recommendations have no financial impact.

## **DECISION HISTORY**

Under its Relationship Framework with City Council, the Toronto Licensing Tribunal submits an Annual Report to the Deputy City Manager to transmit to City Council, and the Report may include the Tribunal's suggestions for improvements to its process. The Licensing Tribunal's 2009 report to Council is Attachment 1 to item LS29.6.

## **ISSUE BACKGROUND**

One of the Tribunal's recommendations to improve the Toronto Licensing Tribunal process is to allow the Tribunal to deem applications to have been abandoned when the applicant does not appear or notifies the Tribunal that they do not want to pursue the business licence.

## **COMMENTS**

To allow the Toronto Licensing Tribunal to deem applications abandoned, Council must amend City of Toronto Municipal Code Chapter 545, Licensing. Under Municipal Code Chapter 162, Public Notice, amendments to licensing by-laws require notice to be placed on the City's web site, Public Notice page, for at least 5 days before the meeting at which the amendments will be discussed. The Licensing and Standards Committee's immediate adoption of these amendments at its April 29, 2010 meeting was not anticipated and the required notice was not given. To protect the principle that licensees and the public should have notice and an opportunity for input before Council makes changes to the Licensing Chapter and to mitigate the chance of any appeals based on these changes, notice of the proposed amendments should be given and the matter considered at the next meeting of the Licensing and Standard Committee. City Council could amend the Licensing Chapter at its next meeting.

## **CONTACT**

Helen Smith, Manager  
Community Councils and Committees  
City Clerk's Office

Telephone: 416-392-0146  
Fax: 416-392-2980  
e-mail: [hlsmith@toronto.ca](mailto:hlsmith@toronto.ca)

## **SIGNATURE**

---

Ulli S. Watkiss  
City Clerk