



## STAFF REPORT ACTION REQUIRED

### Implementation Status of City-Based Measures to Address Gun Violence

<b>Date:</b>	September 24, 2012
<b>To:</b>	Executive Committee
<b>From:</b>	Executive Director, Social Development, Finance & Administration
<b>Wards:</b>	All
<b>Reference Number:</b>	AFS #16106

#### SUMMARY

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This report provides a status update on the implementation of 24 measures to address gun violence that were adopted by City Council on June 23, 2008. The measures include initiatives related to land use zoning, recreational use of firearms on City property, monitoring the incidents and impacts of gun violence, providing social supports to break the cycle of violence, intergovernmental advocacy opportunities, and other measures to address gun violence.

#### RECOMMENDATIONS

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The Executive Director, Social Development, Finance & Administration, recommends that:

1. Executive Committee receives this report for information.

#### Financial Impact

There are no financial implications associated with this report. The Deputy City Manager and Chief Financial Officer has reviewed this report and agrees with the financial impact information.

#### DECISION HISTORY

On April 7, 2008, Executive Committee received EX19.16 “Report to Executive Committee Update on Toronto Gun Violence Strategy”, which recommended a handgun ban, stronger penalties for illegal gun use, stricter gun control and community-based

prevention initiatives. On April 28, 2008, in response to this report, City Council tasked the City Manager with preparing a report on City-based measures that could address gun violence in Toronto.

<http://www.toronto.ca/legdocs/mmis/2008/cc/decisions/2008-04-28-cc20-dd.pdf#page=14>

On June 23, 2008, in response to the staff report EX21.2 "City-Based Measures to Address Gun Violence", City Council adopted 24 measures related to land use zoning, clarification and enforcement of the City's firearms policy, monitoring of firearms incidents, youth gang prevention programming and intergovernmental advocacy on firearms issues.

<http://www.toronto.ca/legdocs/mmis/2008/cc/decisions/2008-06-23-cc22-dd.pdf>

On May 8, 2012, City Council adopted member motion MM23.24 "Proposed Return of the Toronto Sportsmen's Show to Exhibition Place". The motion included a request to the City Manager to report to the Executive Committee on the status of the measures adopted in report EX21.2.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.MM23.24>

## **ISSUE BACKGROUND**

Toronto is a remarkably safe city compared to other large urban centres in North America. The combined prevention and enforcement efforts of the Government of Canada, the Government of Ontario, and the City of Toronto work to uphold this level of safety. However, firearms violence continues to be a persistent threat to the safety and security of Torontonians. In 2008, City Council adopted a series of measures to specifically address gun violence, so as to maximize both prevention and enforcement opportunities available within the City's jurisdictional authority.

## **COMMENTS**

Most of the measures adopted by Council took the form of directives to City staff, while others took the form of requests to other government bodies. City staff have implemented 23 of 24 directions. This report will provide an overview of the implementation status of the 24 measures, with a detailed measure-by-measure breakdown available in Appendix A.

The measures adopted by Council demonstrated the breadth and collaborative approach across City operations to tackle gun violence by balancing enforcement with prevention within the authorities of a municipal jurisdiction. It also involved a public health approach, signalling that the availability of firearms impacts the health of the City's population, through domestic violence, youth suicides, youth on youth violence, neighbourhood violence and, more broadly, public safety either as an individual's direct victimization or as a society, from the indirect consequences of gun violence.

Within its authority as an order of government, Council chose to respond to the supply of firearms by restricting access or prohibiting the promotion of firearms through zoning by-

law amendments and City policy on the use of City facilities. Council also adopted a preventative approach by working with its Agencies (Toronto Police Service and Toronto Community Housing Corporation) as well as with its young people at risk of gang involvement, through gang intervention programs such as Prevention Intervention Toronto (PIT) and its subsequent Bridging Project. A report on the evaluation of PIT will be submitted to the November 8, 2012 Economic Development Committee. Council also made recommendations to the Province of Ontario and the Government of Canada to strengthen measures to address gun violence through their authorities and responsibilities. The status of these inter-governmental measures are summarized in Appendix B.

In response to several incidents of gun violence in Toronto in July, 2012, the Province of Ontario released Ontario's Youth Action Plan. The plan builds on previous Provincial initiatives, such as the "Addressing the Roots of Youth Violence" report. The plan is consistent with many of Council's initiatives and provides potential opportunities for greater coordination of resources to address gun violence in Toronto.

Continuing partnerships between the City, the Province, and the Federal government will be key to ensuring that both enforcement and prevention strategies can be implemented to maximum effect, and to ensure that Toronto is a safe and secure city for all.

## **CONTACT**

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## **SIGNATURE**

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Chris Brillinger,  
Executive Director  
Social Development, Finance & Administration

## **ATTACHMENTS**

Appendix A: Implementation Status Details for EX21.2 City-Based Measures to Address Gun Violence  
Appendix B: Summary of Status of Inter-governmental Advocacy Measures

## APPENDIX A

### Implementation Status Details for EX21.2 *City-Based Measures to Address Gun Violence*

#### **Council Measure #1 – Status: COMPLETED**

*"City Council direct the Chief Planner and Executive Director, in consultation with the City Solicitor, to prepare a zoning by-law to restrict uses permitting the discharge of guns, including firing ranges and gun clubs, to establishments operated by a police service of the City or the Provincial or Federal Government and establishments operated by the Department of National Defence, and restrict and/or prohibit establishments that manufacture, assemble, warehouse and/or distribute guns and that the by-law be brought forward to a public meeting at the September 10, 2008 meeting of the Planning and Growth Management Committee."*

- PG19.2 "Zoning By-law Amendments to Restrict Shooting Ranges and Gun Manufacturers" was approved by City Council at October 29 & 30, 2008 meeting.
- An amended version of the Zoning By-law was ratified by the Ontario Municipal Board in February 2012, following appeal by several separate firearms stakeholders of the original zoning by-law approved by City Council in 2008.

#### **Council Measure #2 – Status: COMPLETED**

*"City Council direct staff to give notice for the public meeting under the Planning Act in accordance with the regulations under the Planning Act."*

- Notice was given for the public meeting by City Planning and City Clerk's Office prior to consideration of PG19.2 "Zoning By-law Amendments to Restrict Shooting Ranges and Gun Manufacturers" at the Planning & Growth Management Committee on October 14, 2008.

#### **Council Measure #3 – Status: COMPLETED**

*"City Council direct the City of Toronto to cancel the permit to Scarborough Rifle Club with respect to its use of the rifle range at Don Montgomery Community Recreation Centre and the General Manager, Parks Forestry and Recreation, or designate be authorized to give notice of such cancellation."*

- In compliance with the direction of Council, the Scarborough Rifle Club vacated the former shooting range at the Don Montgomery CRC by September 1, 2008.
- Subsequently, City staff worked with the local community and youth to transform the former shooting range into much needed multi-purpose youth space at Don Montgomery CRC.
- The multi-purpose youth space was officially opened on June 15, 2012 and has been featured in *Canadian Interiors* magazine (May/June 2012 issue) due to the creativity, innovative design and inclusive design process that was used to re-cast the former shooting range space.

#### **Council Measure #4 – Status: COMPLETED**

*"City Council direct the City of Toronto to terminate the lease to the CNRA Gun Club with respect to its use of a firing range at Union Station and the Chief Corporate Officer or designate be authorized to give notice of such termination."*

- In compliance with the direction of Council, the CNRA Gun Club vacated the former shooting range at Union Station by September 1, 2008.
- Subsequently, the former shooting range space has been designated to support elevator mechanics being installed as part of the Union Station Revitalization initiative.

#### **Council Measure #5 – Status: COMPLETED**

*"City Council direct the Chief Planner to report to the Planning and Growth Management Committee on possible options for the Scarborough Rifle Club and the CNRA Hand Gun Club to re-establish themselves on private property in the City of Toronto so they are grandparented, as **legal non-conforming uses**, in the same manner as the other shooting ranges on private property; such report to be brought forward at the time of the report recommending zoning regulations for shooting ranges."*

- In compliance with the direction of Council, City Planning staff worked with representatives of both the Scarborough Rifle Club and CNRA Gun Club between June and October 2008 to facilitate the respective Clubs' compliance with the pending zoning by-law prohibiting the establishment of new shooting ranges in Toronto. However, it became clear during this time that neither Club possessed the financial resources to establish new shooting range facilities within the borders of Toronto.
- PG19.2 "Zoning By-law Amendments to Restrict Shooting Ranges and Gun Manufacturers" was approved by City Council at October 29 & 30, 2008 meeting, and subsequently ratified by the OMB in February 2012. As each respective Club was unable to establish a new shooting range facility within the borders of Toronto, it was not possible for the City to grandparent new shooting ranges for either Club.
- It is City staff's understanding that both Clubs were reviewing options to re-establish themselves at either pre-existing grandparented shooting ranges in Toronto and/or develop new shooting range facilities elsewhere in the Greater Toronto Area. The CNRA Gun Club appears to have ceased operations in Toronto, and the Scarborough Rifle Club rents time at a privately owned range in the Broadview/Danforth area.

#### **Council Measure #6 – Status: COMPLETED**

*"City Council direct the City Manager to add "shooting ranges", "gun clubs" and the promotion of firearms use, in general, to the list of unacceptable uses of City facilities for permit or lease, except for permits or leases for use by a police service of the City, provincial or federal governments or the Chief Firearms Officer."*

- The City Firearms Policy was established with Council's adoption of the report's recommendation.
- At its May 8, 2012 meeting, City Council amended the City's Firearms Policy to exempt the Board of Governors of Exhibition Place from the prohibition of firearms promotion in City facilities. (MM23.24 "Proposed Return of the Toronto Sportsmen's Show to Exhibition Place".)

**Council Measure #7 – Status: COMPLETED**

*"City Council direct the Deputy City Manager, Cluster A to develop a comprehensive system to track the impacts and incidents of firearm violence and injury in Toronto on an ongoing basis, as part of the City's Community Safety Plan."*

- After reviewing models for establishing a system to track firearms violence incidents and the impacts these have on Toronto's communities, City staff determined the most efficient and effective approaches was through the Wellbeing Toronto project. The Wellbeing Toronto project provides a comprehensive foundation for monitoring neighbourhood wellness in one place and across cluster areas. It contains a core set of neighbourhood-level indicators that are collected consistently over time and from a variety of sources, including many city divisions and community data partners. Firearms incidents, as well as data on numerous criminal code offences are included as indicators, allowing users to consider the impact of such incidents on the wellness of a neighbourhood.
- City staff continue to work with the Toronto Police Service and other data providers to ensure data on Wellbeing Toronto is as current and accurate as possible. The Wellbeing Toronto website is currently in the process of being updated with more current data and new features for mapping, to be released early in 2013.
- City staff also continue to work with the Toronto Police Service to develop data products that assist both the Police and the City better understand and respond to community safety issues in Toronto.
- Additionally, the Community Crisis Response Program works across Toronto providing support and resources to individuals and groups in communities affected by violent and traumatic incidents. The program tracks its responses to incidents, including those involving firearm violence, so that the impact of these incidents on the local community can be assessed and necessary supports can be identified and provided.

**Council Measure #8 – Status: COMPLETED**

*"City Council direct the City Manager, in consultation with the Chief of Police, to seek further funding partnership opportunities through the National Crime Prevention Strategy to benefit community-based safety and crime prevention initiatives."*

**City Actions:**

- On September 24, 2008, City Council approved the receipt of up to \$4.9 million in funds from Public Safety Canada to establish the three-year Prevention Intervention Toronto (PIT) Pilot Project. The PIT Pilot Project operated from 2009 – 2012 in an area of northwest Toronto bounded by the Jane-Finch, Rexdale-Jamestown and Weston-Mt Dennis Priority Neighbourhoods. Through an integrated, targeted and evidence-based community program emphasizing wrap around supports, the PIT project worked with over 50 organizations representing a range of sectors and City programs to provide young people with family supports, pro-social skills and pre-employment skills training. By addressing barriers that caused project participants to be located farthest from labour market entry, PIT was able to support approximately 312 youth participants with a credible alternative path to meaningful employment in contrast to the violent lifestyle offered by Toronto youth gangs.

- The Final Evaluation of the PIT Pilot Project was provided to the City and Public Safety Canada in July 2012. City staff are preparing a report to the Economic Development Committee for November 2012 which will summarize the Evaluation's findings.
- Building upon the preliminary findings of the PIT Pilot Project, a federally-funded one year Bridging Project initiative will work to identify and enhance how the City, public sectors and community-based sector engages high-risk youth through diverse programming as well as develop policy dialogue and sector and service system alignment across governments and communities, most importantly educational and employment service planning. The project will use an integrated inter-governmental and inter-divisional approach to strengthen the City's capacity to address the unique needs of high-risk youth and their families, better positioning the City to engage its community-based service providers to ensure effective targeted employment, social and family supports for high-risk youth at a neighbourhood level.

*Federal Government Actions:*

- Shortly after Council approved Measure #8, Public Safety Canada approved the City's pending application for a three-year youth gang prevention and diversion pilot project and provided funding of up to \$4.9 million through the National Crime Prevention Strategy's Youth Gang Prevention Fund. (The City's pilot project is described above.)
- Based on the City's experience with the PIT Pilot Project, Public Safety Canada subsequently provided one year funding to the City (April 1, 2012 – March 31, 2013) for the operation Bridging Project Initiative through the National Crime Prevention Strategy's Youth Gang Prevention Fund. (The Bridging Project Initiative is described above.)
- Additionally, as part of the Federal Government's FY2011 Budget, funding for the Youth Gang Prevention Fund was made permanent at \$7.5 million in ongoing funding. This provides municipalities and community organizations across the country with federal funding for youth gang prevention programming for a limited number of programs annually.

**Council Measure #9 – Status: COMPLETED**

*"City Council direct the Deputy City Manager, Cluster A, in consultation with the Toronto Police Service, to work with staff from the National Crime Prevention Centre and other relevant federal and provincial ministries to facilitate approval of the City's application for funding for a 'gang exit' wrap around support initiative, in keeping with the goals of the National Crime Prevention Strategy."*

*City Actions:*

- See Council Measure #8 Update above.

*Federal Government Actions:*

- See Council Measure #8 Update above.

**Council Measure #10 – Status: COMPLETED**

*"City Council advocate against the repeal of the long gun registry (Bill C-24, the act to amend the Criminal Code and the Firearms Act)."*

### *City Actions:*

- Former Mayor David Miller communicated City Council's opposition to the repeal of the 'long gun' registry directly to the Prime Minister, the Minister of Justice and Attorney General of Canada, and the Minister of Public Safety in the fall of 2008.
- At its meeting of May 8, 2012, City Council reaffirmed its support for maintaining the registration of all firearms, including 'long guns' (i.e. non-restricted rifles and shotguns) and for allowing police services' continued access to firearms registration data of Ontario residents who possess firearms. City Council also requested the City Solicitor to review options to intervene to stop the Government of Canada's pending destruction of Ontario 'long gun' records. (MM23.12 "Request to protect data on non-restricted firearms registered to Ontario owners").
- Council received the report from the City Solicitor at its July 11 & 12, 2012 meeting (CC25.5 "MM23.12 Request to protect the data on non-restricted firearms registered to Ontarian owners"). Council directed the City Solicitor to seek leave to participate in the request for a legal injunction against the destruction of 'long gun' registry data brought by the Barbara Schlifer Clinic against the Federal Government. Dr. Barbara Yaffe, the Acting Medical Officer of Health, Toronto Public Health, submitted an affidavit in support of the City of Toronto's motion for intervenor status.
- Ontario Superior Court Justice David M. Brown granted the City of Toronto's request to intervene in the matter. The Ontario Superior Court will hear the Barbara Schlifer Clinic's challenge under the Canadian Charter of Rights and Freedoms in March, 2013. However, a motion for an injunction preventing the destruction of the 'gun registry' data pending the hearing of the Charter challenge was recently dismissed.

### *Federal Government Actions:*

#### Legislative Actions

- Since 2005, the Government of Canada repeatedly introduced legislation including Bill C-24 to repeal elements of the *Firearms Act* and *Criminal Code* requiring the registration of non-restricted and non-prohibited firearms (e.g. 'long guns' such as rifles and shot guns) without success.
- On October 25, 2011, the Federal Government introduced Bill C-19 *An Act to Amend the Criminal Code and Firearms Act*, legislation that would repeal sections of both *Acts* requiring the registration of 'long guns'. Bill C-19 was approved by Parliament and received Royal Assent on April 5, 2012.
- In addition, on July 3, 2012, Public Safety Canada instituted additional firearms regulations for businesses licensed to sell firearms in Canada. Under the *Firearms Information Regulations (Non-Restricted Firearms)*, the Federal Government directed that "businesses are not required as a condition of licence to collect or retain information regarding the transfer of a non-restricted firearm." While firearms vendors were permitted individual discretion to keep point of sale records for their own purposes (e.g. for inventory or warrantee records use), the Government emphasized that licensed vendors cannot be required to keep records that link a non-restricted firearm to a specific owner as a condition of licence. These regulatory clarifications were made in response to directions given by



Chief Firearms Officers in both Ontario and Nova Scotia for firearms vendors to maintain records of sale and make them available to police services as conditions of their firearms vending licence following the approval and Royal Assent of Bill C-19.

#### Legal Actions:

- The Province of Quebec has expressed a desire to establish a Provincial 'long gun' registry in the province, and has requested the Federal Government provide relevant records from the now-defunct Canadian Firearms Centre 'long gun' registry to form the basis of its new registry.

The Government of Canada has refused to voluntarily provide such records on the assertion that firearms registration is the sole jurisdiction of the federal government, and is currently contesting the Province's legal injunction preventing the destruction of 'long gun' registry data. The Minister of Public Safety has repeatedly asserted that the federal government will not provide 'long gun' registry to any third parties, including the Provinces, will actively work to prevent the establishment of any provincial 'long gun' registries and will proceed with the destruction of Canadian Firearms Centre 'long gun' registry data as soon as all legal injunctions are lifted.

On April 5, 2012, the Province of Quebec secured a legal injunction temporarily prohibiting the Federal Government from destroying Canadian Firearms Centre records of 'long gun' registrations (a requirement of Bill C-19). On September 10, 2012, the Court upheld the Province of Quebec's right to the records contained in the 'long gun' registry.

- An additional legal challenge to preserve the Canadian Firearms Centre's 'long gun' registry data was filed by the Barbara Schlifer Clinic under the *Canadian Charter of Rights and Freedoms* on the basis that abolishing the registry "will increase the risk of physical violence, forcible confinement at threat of physical violence, serious physical harm, serious psychological harm, and homicide to women in situations of domestic violence", and as such, the law violates women's right to security and equality, protected by Section 7 and Section 15 of the Charter. (See also *City Actions*, above)

#### Firearms Registration Amnesty

- When the Federal Government implemented the *Firearms Act* in 1995, the legislation required all licensed firearms owners to register their non-restricted firearms with the Canadian Firearms Centre by Jan 1, 2003 or face criminal prosecution. While approximately 75% of firearms owners complied with the registration requirement, the threat of criminal prosecution generated significant political opposition to the registration requirement for non-restricted firearms.
- In an effort to secure a greater level of compliance with the *Firearms Act's* registration requirements, successive Federal Governments have repeatedly extended the federal firearms registration amnesty. On March 25, 2011, Public Safety Minister Vic Toews announced the Government of Canada was extending the firearms amnesty to May 16, 2013 to protect non-compliant owners of non-restricted firearms from criminal liability.
- With the passage and Royal Assent of Bill C-19 on April 5, 2012 repealing the registration requirement for non-restricted firearms, the federal firearms amnesty was no longer required. As a result of successive extension of the federal firearms amnesty on non-restricted firearms registration, the *Firearms Act's* original intention to pursue criminal

prosecution of those individuals who consciously fail to register their firearms for policing and community safety purposes was never fully realized.

*Provincial Government Actions:*

- The Ontario Government has consistently expressed its support for the importance of maintaining the federal 'long gun' registry, but to date has declined to participate in either of the legal challenges made following the passage of Bill C-19 or pursue the creation of a provincial 'long gun' registry.
- Following the approval of Bill C-19, the Chief Firearms Officers of both Ontario and Nova Scotia issued directions to licensed firearms vendors in their respective province mandating that they maintain records of all 'long gun' firearms transactions identifying purchasers and make such records available to police services upon request. This activity continued until July 3, 2012, when Public Safety Canada issued revised firearms regulations for non-restricted firearms that prohibited the systematic collection of such information by firearms vendors.

**Council Measure #11 – Status: COMPLETED**

*"City Council request the Government of Ontario to consider regulations relating to the licensing of restricted firearms (hand guns) for target shooting, similar to the legislation enacted by the Government of Quebec."*

*City Actions:*

- Former Mayor David Miller communicated City Council's support for a Provincial review of regulations related to restricted firearms (hand guns) for target shooting directly to the Premier, the Attorney General of Ontario, and the Minister of Community Safety and Correctional Services in the fall of 2008.

*Provincial Government Actions:*

- While the Ontario Government has been supportive of maintaining and enhancing existing *Firearms Act* and *Criminal Code* legislation regarding restricted firearms, it has not sought to pursue additional provincial restrictions on the use, storage or transportation of restricted firearms for target shooting beyond existing legislation.
- Generally speaking, the Province has sought to maintain a clear separation between federal and provincial constitutional jurisdiction on firearms issues, demonstrating a strong reluctance to follow the Province of Quebec's approach to pursuing actions to restrict firearms activities that may be determined to be under federal authority. The Government of Ontario has generally focused on investments in community safety and policing activities under its jurisdiction that address firearms activities, while advocating for federal actions for those issues under federal authority.

**Council Measure #12 – Status: COMPLETED**

*"City Council request the Government of Ontario to review the Landlord and Tenant Act and make the necessary amendments required to provide both the Landlord (TCHC) and the Landlord and Tenant Tribunal the necessary tools to ensure that individuals, who have been convicted of drug and gun crimes, are immediately evicted."*

*City Actions:*

- Former Mayor David Miller communicated City Council's request that the Province review residential tenancy legislation to ensure that Toronto Community Housing and the Landlord Tenant Board have sufficient authorities to evict individuals convicted of drug and gun crimes directly to the Premier, the Attorney General of Ontario, the Ontario Minister of Community Safety and Correctional Services, and the Ontario Minister of Municipal Affairs and Housing in the fall of 2008.

*Provincial Government Actions:*

- The Ontario Government received the City's request to review residential tenancy legislation, but no further information on the status or results of a review has been forthcoming since the City's request was received.
- As a result of recent gun violence in TCHC facilities, several members of City Council have raised the question of whether the City and/or TCHC has sufficient authority to evict individuals convicted of drug and gun crime. Toronto Community Housing staff have confirmed that under current legislation, a notice of eviction can be issued once a criminal charge has been laid against a tenant.
- City staff are not aware of any pending Provincial action to provide additional eviction authorities to Toronto Community Housing and/or non-public landlords. Current legislation (*Residential Tenancies Act, 2006, sec 61*) does permit landlords to terminate a tenancy for cause in the case of commission of an illegal act or for impairing the safety of another person by a tenant or other occupant of a rental unit. The standard of proof under the act is one of a balance of probabilities, meaning that the burden of proof of an illegal act is not as high as that needed to secure a criminal conviction, but the tenant does have the right to contest eviction before the Landlord Tenant Board.

**Council Measure #13 – Status: COMPLETED**

*"City Council request the Toronto Police Services Board to consider the proposed Ontario Private Member's Bill 56, which permits the suspension of drivers' licenses and detention of vehicles connected to unlawfully possessed firearms."*

*City Actions:*

- The Toronto Police Services Board (TPSB) endorsed, in principle, the proposed Ontario Private Member's Bill 56 at its April 17, 2008 meeting and formally communicated this in writing to the Bill's author, Mike Colle, MPP (Eglinton-Lawrence).

*Provincial Government Actions:*

- Ontario Private Member's Bill 56 *Unlawful Firearms in Vehicles Act, 2008* was considered by the Ontario Legislature during its 39<sup>th</sup> Session (November 28, 2007 – March 4, 2010). The Private Member's Bill received Second Reading approval and was sent to the Standing Committee on Justice Policy for consideration on April 24, 2008. However, Private Member's Bill 56 did not receive final approval and Royal Assent prior to the conclusion of the 39<sup>th</sup> Session, and as such was dropped from the Order Paper prior to the start of the Legislature's 40<sup>th</sup> Session.

### **Council Measure #14 – Status: COMPLETED**

*"City Council request the Toronto Police Services Board to request the Chief of Police to report on the number of police on patrol in crime problem areas and the number of gun crimes."*

- On Jan 22, 2009, Toronto Police Chief William Blair reported to the Toronto Police Services Board on the number of police on patrol in crime problem areas and the number of gun crimes in Toronto as part of the Toronto Police Services' Business Plan 2009-2011.
- Subsequently, the Toronto Police Service has continued to report out on Police responses to areas challenged by elevated crime rates and firearms incidents through the Service's annual Statistical Reports, Annual Reports, Environmental Scans, and Business Plans. In addition, the Toronto Police Service regularly posts data on shooting incidents and violent crime through its "TPS Crime Statistics" web portal and continues to provide data to the City of Toronto's Wellbeing Toronto data/mapping portal.

### **Council Measure #15 – Status: COMPLETED**

*"City Council urge the Federal government to implement the Firearms Marking Regulations, recently deferred to December 2009, which will permit the Government of Canada to ratify the OAS Convention, and the UN Firearms Protocol."*

#### *City Actions:*

- Former Mayor David Miller communicated City Council's support for the implementation of the Firearms Marking Regulations, the ratification of the Organization of American States' *Convention Against the Illicit Manufacturing and Trafficking in Firearms, Ammunition and Explosives* and United Nations' *Firearms Protocol* directly to the Prime Minister, the Minister of Justice and Attorney General of Canada, the Minister of Foreign Affairs and the Minister of Public Safety in the fall of 2008.

#### *Federal Government Actions:*

- As a signatory of both the *Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials* (CIFTA) [1997], and the *Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition* (UN Firearms Protocol) [2002], the Government of Canada is required to implement a legal requirement to ensure all new and imported firearms receive standardized markings. Implementation of the firearms marking regulations specified under both treaties is required before Canada can ratify either treaty.
- Originally set to come into force on April 1, 2006, implementation of the *Firearms Marking Regulations* was deferred to December 1, 2007, and again to December 1, 2009, in response to requests from firearms associations and businesses, particularly firearms importers, for time to comply with requirements.
- During the two-year deferral period leading up to December 1, 2009, an independent study was undertaken to look at the effectiveness of markings from a law enforcement perspective, the various marking technologies available, and the implications for the Canadian firearms industry and users. The study found that:
  - the presence of markings help to expedite law enforcement tracing efforts by focusing investigations;
  - different marking technologies exist, with stamping among the least costly and

- most tamper resistant; and
  - implementation of the Regulations is not expected to have a significant impact on Canadian manufacturers, or large Canadian importers bringing the majority of firearms into Canada, since it is expected that these businesses could make arrangements to have markings made at the time of manufacture. However, it was not possible to verify this view, or to conclusively determine the financial impact on individuals and small importing businesses.
- Subsequently, implementation of firearms marking requirements were deferred twice more to Dec 1, 2010 and then to Dec 1, 2012. It is unclear if the Government of Canada intends to further defer implementation of the firearms marking requirements beyond the current Dec 1, 2012 implementation deadline.

### **Council Measure #16 – Status: COMPLETED**

*"City Council request the Federal government to address the international impacts of U.S. gun control laws."*

#### *City Actions:*

- Former Mayor David Miller communicated City Council's request that the federal government address the international impacts of American gun control laws directly to the Prime Minister, the Minister of Justice and Attorney General of Canada, the Minister of Foreign Affairs and the Minister of Public Safety in the fall of 2008.
- Former Mayor David Miller also met with the Toronto Consul General for the United States to address the impact of American gun control laws on Toronto gun violence in 2008.

#### *Federal Government Actions:*

- Federal government officials (Ministers, seniors civil servants, police enforcement and border security officers) regularly work with their American counterparts to identify and actively address measures to combat illegal trans-national firearms smuggling. This work includes regular meetings between relevant federal Ministers and their US equivalents, staff-level information sharing agreements and joint/inter-jurisdictional enforcement teams and operations.
- In February 2008, the Federal Government received Royal Assent for the *Tackling Violent Crime Act*, which resulted for higher mandatory minimum prison sentences for serious firearms-related offences, including possession of a firearm for the purposes of smuggling and/or illegal trafficking. Under the *Tackling Violent Crime Act*, federal Crown Prosecutors have continued to work with police and border security officials to aggressively prosecute individuals engaging in firearms smuggling from the United States and other jurisdictions.

### **Council Measure #17 – Status: COMPLETED**

*"City Council request the Federal government to strengthen the legislation relating to the storage of firearms at gun clubs."*

#### *City Actions:*

- Former Mayor David Miller communicated City Council's request to strengthen legislation relating to the storage of firearms at gun clubs directly to the Prime Minister, the Minister of Justice and Attorney General of Canada, and the Minister of Public Safety in the fall of 2008.

*Federal Government Actions:*

- The Federal Government has not introduced any legislative or regulatory changes to strengthen the storage of firearms at gun clubs in Canada.

**Council Measure #18 – Status: COMPLETED**

*"City Council request the Federal and Provincial governments to amend the relevant legislative provisions to impose on persons convicted of gun crimes, the penalties of compulsory community service and compulsory attendance to a program established to educate the individuals as to the impact their behaviour has on families, communities and themselves."*

*City Actions:*

- Former Mayor David Miller communicated City Council's request to amend relevant legislation to impose compulsory community service and education/awareness programs for persons convicted of gun crimes directly to the Prime Minister, the Minister of Justice and Attorney General of Canada, the Minister of Public Safety, Premier McGuinty, the Attorney General of Ontario and the Ontario Minister of Community Safety and Correctional Services in the fall of 2008.

*Federal Government Actions:*

- In recent years, the Federal Government's primary focus in addressing sentencing for individuals convicted of firearms crimes has been to increase mandatory minimum sentencing provisions and reduce eligibility for parole. While some diversion and alternative sentencing programs continue to be supported through federal justice programs, these programs are generally restricted to specific offender profiles and do not include offenders accused of firearms offences.

*Provincial Government Actions:*

- Provincial governments do not have jurisdictional authority over sentencing for *Criminal Code* offences, which include all criminal firearms offences. As such, the Ontario Government's ability to influence criminal sentencing legislation is limited to advocacy to the Federal Government. City staff are not aware of any Provincial advocacy to date to impose compulsory community service and education/awareness programs for persons convicted of gun crimes.

**Council Measure #19 – Status: COMPLETED**

*"City Council request the Board of Directors of the Toronto Community Housing Corporation to report to the Executive Committee on the efforts being made to reduce the number of gun crimes within Toronto Community Housing."*

- On October 3, 2008, Toronto Community Housing (TCHC) staff reported to the TCHC Board of Governors on TCHC's efforts to combat gun violence at TCHC properties. The TCHC Board of Governors received the report for information.

#### **Council Measure #20 – Status: COMPLETED**

*"City Council request the City Solicitor, in consultation with the City Manager and the Chief of Police, to review the powers under the licensing provisions of the City of Toronto Act to regulate/and or limit the sale of ammunition for hand guns and assault weapons similar to the regulations implemented for fireworks."*

- City staff completed the review of the City's authority to regulate firearms ammunition production and sales under the City of Toronto Act (COTA) and provided a detailed review of the complicated legislative regime for firearms and ammunition in Canada to the Mayor's Office in October 2008.
- City staff provided the Mayor's Office with recommendations for changes to federal and provincial legislation to restrict the importation, sale, purchasing, storage and use of firearms ammunition, and to improve the ability of policing bodies to effectively track and regulate production and wholesale and retail sale of firearms ammunition. These recommendations were included in former Mayor Miller's intergovernmental advocacy on firearms issues.
- City staff found that the City does have the ability to regulate the manufacturing of firearms ammunition through existing zoning by-laws pertaining to metal working. City Planning staff included clarifications of the metal working regulations that would address firearms ammunition manufacturing in the draft Harmonized Zoning By-law.

#### **Council Measure #21 – Status: PARTIALLY COMPLETED**

*"City Council request the City Manager to report to the September 2008 meeting of the Executive Committee, regarding actions and strategies available to the City of Toronto to control, within its borders, the manufacture, sale and purchase and possession of ammunition for firearms; such report to include comment on the control of the separate components used to assemble ammunition for firearms."*

- See Council Measure #20 above. This measure is listed as partially completed because the sections of the Harmonized Zoning By-law pertaining to industrial and manufacturing uses (which include metal working) are still awaiting consideration by City Council.

#### **Council Measure #22 – Status: COMPLETED**

*"The City Manager be requested to include in her report to the September 2008 meeting of the Executive Committee, any new by-laws or amendments to existing by-laws that are required to prohibit the "illegal discharge of guns" within the boundaries of the City of Toronto."*

- City staff completed the review of the City's authorities and regulations prohibiting the "illegal discharge of guns" within Toronto's boundaries and reported to the Mayor's Office in October 2008. No new by-laws or amendments to existing by-laws, including Chapter 463, Firearms were recommended by City staff.

#### **Council Measure #23 – Status: COMPLETED**

*"The City Manager, in consultation with the City Solicitor, be requested to report to the Executive Committee on possible recommendations with respect to the judicial system that would reduce the number of gun crimes."*

- City Staff completed the review of City's authority to directly recommend changes to the judicial system and reported to Mayor's Office in October 2008. Under the review, City staff confirmed that City Council does not have the authority to directly recommend changes to the judicial system.
- However, City staff have continued to develop policies and programs to reduce the number of gun crimes that address aspects of the judicial system through the former Mayor's Advisory Panel on Making a Safe City Safer, the PIT Pilot Project, related relevant City initiatives and intergovernmental advocacy through the Big City Mayors Caucus and Federation of Canadian Municipalities.

**Council Measure #24 – Status: COMPLETED**

*"The Chief Planner and Executive Director, City Planning, in consultation with the City Solicitor and the Chief Building Official and Executive Director, Toronto Building, report to the September 2008 meeting of the Planning and Growth Management Committee, on the status of the existing shooting ranges on private property and their compliance with existing zoning."*

- City Council approved PG19.2 "Zoning By-law Amendments to Restrict Shooting Ranges and Gun Manufacturers" approved at October 29-30, 2008 meeting.
- Although subsequently appealed by several firearms stakeholder groups, an amended version of the Zoning By-law was ratified by the Ontario Municipal Board in February 2012.



## APPENDIX B

### Summary of Status of Inter-governmental Advocacy Measures

Measure	Government	Status
#10: Advocate against repeal of long gun registry	Federal	Long gun registry repealed; City granted its request to participate in suit brought by Barbara Schlifer Clinic to prevent destruction of long gun registry data; hearing is proceeding in March 2013, but a motion for an injunction preventing Federal Government from destroying the data in the interim has been dismissed
#11: Review regulations related to restricted firearms (handguns) for target shooting	Provincial	Province considers this to be Federal jurisdiction and not inclined to follow Quebec's approach
#12: Amend residential tenancy laws to provide tools for immediate eviction of individuals convicted of gun and drug crimes	Provincial	No response to City's request; some provisions for evictions for illegal acts exist under current legislation
#13: Support <i>Unlawful Firearms in Vehicles Act, 2008</i>	Provincial	Bill did not receive final approval; has not been brought back to latest session of the legislature
#15: Implement <i>Firearms Marking Regulations</i>	Federal	Deferred multiple times; current deadline is December 1, 2012
#16: Address international impacts of U.S. gun control laws	Federal	Aggressive prosecutions of firearms smuggling under the <i>Tackling Violent Crime Act</i>
#17: Strengthen legislation relating to firearms storage at gun clubs	Federal	No change
#18: Impose community service and education/awareness programs as part of penalties for persons convicted of gun crimes	Federal	Focus is on mandatory minimum sentences; alternative sentencing provisions not generally applied in cases involving firearms offences