

Authority: Planning and Transportation Committee Report No. 5, Clause No. 11,  
as adopted by City of Toronto Council on June 14, 15 and 16, 2005  
Enacted by Council: July 21, 2005

**CITY OF TORONTO**

**BY-LAW No. 671-2005**

**To amend City of Toronto Municipal Code Chapter 545, Licensing, respecting  
amendments to the business licensing thresholds.**

WHEREAS at its meeting of January 27, 28 and 29, 2004, City Council adopted the report from the Commissioner of Urban Development Services on the establishment of business licensing thresholds; and

WHEREAS By-law No. 117-2004 implementing the business licensing thresholds came into force July 1, 2004, and since then a number of operational challenges have been identified; and

WHEREAS the City of Toronto has decided that amendments to the business licensing thresholds will address those challenges;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. Section 545-1 of Toronto Municipal Code Chapter 545, Licensing, is amended by adding the following definition, in alphabetical sequence:

MINOR – Any person under the age of 18 years.

2. Chapter 545 is further amended by deleting Appendix K and replacing it with the Appendix K attached to this By-Law as Schedule “A”.
3. This by-law shall come into force on October 1, 2005.

ENACTED AND PASSED this 21st day of July, A.D. 2005.

DAVID R. MILLER,  
Mayor

ULLI S. WATKISS  
City Clerk

(Corporate Seal)

**SCHEDULE “A”**

**APPENDIX K TO CH. 545  
BUSINESS LICENSING THRESHOLDS**

As used in this Appendix, the following term shall have the meaning indicated:

**CONVICTION** – Without restricting the generality of the definition, includes any convictions registered against:

- A. The applicant, and where the applicant is a corporation or partnership, against any officers, directors or partners;
- B. Any other businesses of the applicant that are currently licensed or required to be licensed; and
- C. Any prior businesses of the applicant that were licensed or required to be licensed.

**Group No. 1**

**Licences:** Any business, trade or calling for which a vehicle and its driver are licensed or required to be licensed by the City under this Chapter, and for which a licensee is required to hold a valid provincial driver’s licence under this Chapter.

**1-A.** The Municipal Licensing and Standards Division shall not issue or renew a licence and may recommend that the Toronto Licensing Tribunal not issue or renew a licence if, at the time of an application for a licence or renewal, an applicant has:

- (i) any restriction code 01 convictions;
- (ii) any restriction code 02 convictions within the last ten years;
- (iii) any restriction code 03 convictions within the last five years;
- (iv) two or more restriction code 03 convictions within the last ten years;
- (v) any restriction code 04 convictions within the last three years;
- (vi) two or more restriction code 04 convictions within the last five years;
- (vii) any restriction code 05 or 07 convictions within the last year;
- (viii) any restriction code 06 convictions within the last three years;
- (ix) three or more code 08 convictions within the last year;
- (x) six or more bylaw and related\* convictions within the last year concerning the licensed business or individual, or any other of the individual’s businesses that are licensed or are required to be licensed, or any of the individual’s prior businesses that were licensed or were required to be licensed;
- (xi) overdue bylaw fines, unless the applicant or licensee provides proof that such fines have been subsequently paid; or
- (xii) four or five bylaw and related\* convictions within the twelve months immediately preceding the date of issuance or renewal in addition to a suspension pursuant to 1-G or 1-H pertaining to the twelve-month period immediately preceding the previous date of issuance or renewal.

- 1-B.** The Municipal Licensing and Standards Division shall bring forward a report and may recommend to the Toronto Licensing Tribunal that a licence be revoked if an investigation of a licensee during the tenure of a licence discloses that, on the first day of the investigation, the licensee is in contravention of any of the business licensing thresholds listed in 1-A.
- 1-C.** The Municipal Licensing and Standards Division shall not issue or renew a licence but may recommend that the Toronto Licensing Tribunal issue or renew a licence on conditions if, at the time of an application for a licence or renewal, an applicant has:
- (i) any restriction code 02 conviction that is more than ten years old;
  - (ii) any restriction code 03 conviction that is more than five years old, but not more than ten years old;
  - (iii) two or more restriction code 03 convictions that are more than ten years old, but not more than 20 years old;
  - (iv) any restriction code 04 conviction that is more than three years old, but not more than five years old;
  - (v) two or more restriction code 04 convictions that are more than five years old, but not more than ten years old;
  - (vi) any restriction code 05 conviction that is more than a year old, but not more than three years old;
  - (vii) any restriction code 06 conviction that is more than three years old, but not more than five years old;
  - (viii) two or more restriction code 06 convictions that are more than five years old, but not more than ten years old;
  - (ix) any restriction code 07 conviction that is more than one year old, but not more than three years old;
  - (x) nine or more demerit points, as defined in the Highway Traffic Act, on the driver's abstract provided to Municipal Licensing and Standards; or
  - (xi) three or more restriction code 08 convictions that are more than a year old, but not more than three years old.
- 1-D.** The Municipal Licensing and Standards Division shall bring forward a report and may recommend to the Toronto Licensing Tribunal conditions be placed on a licence if an investigation of a licensee during the tenure of a licence discloses that, on the first day of the investigation, the licensee is in contravention of any of the business licensing thresholds listed in 1-C.
- 1-E.** The Municipal Licensing and Standards Division may send an advisory letter to an applicant if, at the time of an application for a licence or renewal, the applicant has:
- (i) four or five bylaw and related\* convictions concerning the licensed business or individual, or any other of the individual's businesses that are licensed or are required to be licensed, or any of the individual's prior businesses that were licensed or were required to be licensed, within the twelve months immediately preceding the date of issuance or renewal; and
  - (ii) not been issued an advisory letter pursuant to 1-E or 1-F for the twelve months immediately preceding the twelve month period referred to in (i).

- 1-F.** The Municipal Licensing and Standards Division may send an advisory letter to a licensee if an investigation of a licensee during the tenure of a licence discloses that, on the first day of the investigation, the applicant is in contravention of the business licensing thresholds listed in 1-E.
- 1-G.** The Municipal Licensing and Standards Division shall not issue or renew a licence but may recommend that the Toronto Licensing Tribunal issue or renew a licence subject to a suspension if, at the time of an application for a licence or renewal, an applicant has:
- (i) four (4) or five (5) bylaw and related\* convictions concerning the licensed business or individual, or any other of the individual's businesses that are licensed or are required to be licensed, or any of the individual's prior businesses that were licensed or were required to be licensed, within the twelve months immediately preceding the date of issuance or renewal; and
  - (ii) been issued an advisory letter pursuant to 1-E or 1-F for the twelve months immediately preceding the twelve month period referred to in (i).
- 1-H.** The Municipal Licensing and Standards Division shall bring forward a report and may recommend to the Toronto Licensing Tribunal that a licence be suspended if an investigation of a licensee during the tenure of a licence discloses that, on the first day of the investigation, the applicant is in contravention of the business licensing thresholds listed in 1-G.
- 1-I.** Despite the requirements under 1-A, 1-B, 1-C, 1-D, 1-E, 1-F, 1-G, and 1-H, if a licence has been issued with or without conditions or suspensions and if the applicant's or licensee's record discloses no new convictions or other circumstances, the licence may be issued and no additional recommendations are required to be made to the Toronto Licensing Tribunal.

## **Group No. 2**

**Licences:** All businesses required to be licensed under this Chapter and that are not covered in Group No. 1 of this Schedule.

- 2-A.** The Municipal Licensing and Standards Division shall not issue or renew a licence and may recommend that the Toronto Licensing Tribunal not issue or renew a licence if, at the time of an application for a licence or renewal, an applicant has:
- (i) any restriction code 01 convictions;
  - (ii) any restriction code 02 convictions within the last ten years;
  - (iii) any restriction code 03 convictions within the last five years;
  - (iv) two or more restriction code 03 convictions within the last ten years;
  - (v) any restriction code 04 convictions within the last three years;
  - (vi) two or more restriction code 04 convictions within the last five years;
  - (vii) any restriction code 05 convictions within the last year;
  - (viii) three or more code 08 convictions within the last year;

- (ix) six or more bylaw and related\* convictions within the last year concerning the licensed business or individual, or any other of the individual's businesses that are licensed or are required to be licensed, or any of the individual's prior businesses that were licensed or were required to be licensed;
- (x) overdue bylaw fines, unless the applicant or licensee provides proof that such fines have been subsequently paid; or
- (xi) four or five bylaw and related\* convictions within the twelve months immediately preceding the date of issuance or renewal in addition to a suspension pursuant to 2-D pertaining to the twelve-month period immediately preceding the previous date of issuance or renewal.

**2-B.** The Municipal Licensing and Standards Division shall bring forward a report and may recommend to the Toronto Licensing Tribunal that a licence be revoked if an investigation of a licensee during the tenure of a licence discloses that, on the first day of the investigation, the licensee is in contravention of any of the business licensing thresholds listed in 2-A.

**2-C.** The Municipal Licensing and Standards Division shall not issue or renew a licence but may recommend that the Toronto Licensing Tribunal issue or renew a licence on conditions if, at the time of an application for a licence or renewal, an applicant has:

- (i) any restriction code 02 conviction that is more than ten years old;
- (ii) any restriction code 03 conviction that is more than five years old, but not more than ten years old;
- (iii) two or more restriction code 03 convictions that are more than ten years old, but not more than 20 years old;
- (iv) any restriction code 04 conviction that is more than three years old, but not more than five years old;
- (v) two or more restriction code 04 convictions that are more than five years old, but not more than ten years old; or
- (vi) three or more restriction code 08 convictions that are more than a year old, but not more than three years old.

**2-D.** The Municipal Licensing and Standards Division shall bring forward a report and may recommend to the Toronto Licensing Tribunal that conditions be placed on a licence if an investigation of a licensee during the tenure of a licence discloses that, on the first day of the investigation, the licensee is in contravention of any of the business licensing thresholds listed in 2-C.

**2-E.** The Municipal Licensing and Standards Division may send an advisory letter to an applicant if, at the time of an application for a licence or renewal, the applicant has:

- (i) four (4) or five (5) bylaw and related\* convictions concerning the licensed business or individual, or any other of the individual's businesses that are licensed or are required to be licensed, or any of the individual's prior businesses that were licensed or were required to be licensed, within the twelve months immediately preceding the date of issuance or renewal; and

- (ii) not been issued an advisory letter pursuant to 2-E or 2-F for the twelve months immediately preceding the twelve month period referred to in (i).
- 2-F.** The Municipal Licensing and Standards Division may send an advisory letter to a licensee if an investigation of a licensee during the tenure of a licence discloses that, on the first day of the investigation, the applicant is in contravention of the business licensing thresholds listed in 2-E.
- 2-G.** The Municipal Licensing and Standards Division shall not issue or renew a licence but may recommend that the Toronto Licensing Tribunal issue or renew a licence subject to a suspension if, at the time of an application for a licence or renewal, an applicant has:
  - (i) four (4) or five (5) bylaw and related\* convictions concerning the licensed business or individual, or any other of the individual's businesses that are licensed or are required to be licensed, or any of the individual's prior businesses that were licensed or were required to be licensed, within the twelve months immediately preceding the date of issuance or renewal; and
  - (ii) been issued an advisory letter pursuant to 2-E or 2-F for the twelve months immediately preceding the twelve month period referred to in (i).
- 2-H.** The Municipal Licensing and Standards Division shall bring forward a report and may recommend to the Toronto Licensing Tribunal that a licence be suspended if an investigation of a licensee during the tenure of a licence discloses that, on the first day of the investigation, the applicant is in contravention of the business licensing thresholds listed in 2-G.
- 2-I.** Despite the requirements under 2-A, 2-B, 2-C, 2-D, 2-E, 2-F, 2-G, and 2-H, if a licence has been issued with or without conditions or suspensions and if the applicant's or licensee's record discloses no new convictions or other circumstances, the licence may be issued and no additional recommendations are required to be made to the Toronto Licensing Tribunal.

\* Related legislation may include, but is not limited to, City of Toronto By-laws, Fire Protection and Prevention Act, S.O. 1997, c. 4 (Fire Code); Building Code Act, 1992, S.O. 1992, c. 23; Planning Act, R.S.O. 1990, c. P.13; Health Protection and Promotion Act, R.S.O. 1990, c. H.7; Business Names Act, R.S.O. 1990, c. B.18; Retail Sales Tax Act, R.S.O. 1990, c. R.31; and the Excise Tax Act, R.S. 1985, c. E-15.

#### **NOTES:**

- (1)** Pursuant to § 545-5M of this Chapter, where any licensee, or where the licensee is a corporation or partnership, any officer, director, employee or agent of the corporation or partner in the partnership, in the course of the tenure of the licence ceases to comply with the business licensing thresholds contained in Appendix K to this chapter, the licensee shall immediately contact and advise the Municipal Licensing and Standards Division of the nature and extent of the violation, and failure to provide such notice may independently result in the suspension of the licence-holder's licence.

- (2) Pursuant to § 545-4C.1 of this Chapter, where an applicant is a corporation or a partnership, the business licensing thresholds contained in this Appendix apply to any officer or director of the corporation or partner in the partnership.

**Offences and Corresponding Restriction Codes:**

<b>Criminal Code Offences</b>	<b>Description</b>	<b>Restriction Code</b>
Explosives	Using, possession	04
Terrorism	Providing, collecting property; using, possessing property; providing, making available property	02
Firearms	Using in commission of offence, careless use, pointing, possession, acquisition without certificate, causing bodily harm with intent (firearm, air gun, or pistol)	04
Weapons	Possession, carrying, trafficking	04
Sexual offences (minors)	Interference, invitation, exploitation, procuring sexual activity (parent or guardian), permitting sexual activity (householder), corrupting children, luring a child, exposure, incest (with minor)	01
Sexual offences (against person other than minor)	Exploitation of persons with a disability, incest, indecent act, sexual assault	03
Major assault and sexual assault offences	Sexual assault with weapon, causing bodily harm, aggravated, assault with weapon, causing bodily harm	02
Bawdy houses	Keeping, transporting person to, procuring	05
Prostitution	Offences related to	05
Criminal negligence	Criminal negligence, causing death, causing bodily harm	04
Homicide	Homicide, manslaughter, infanticide, murder, attempt to commit, accessory	02
Noxious thing, poison	Administering to cause harm	04
Noxious thing, poison	Administering to annoy, to aggrieve	05
Traps	Setting	05
Operation of motor vehicle, vessels, or aircraft	Dangerous operation, failing to stop for police, failure to stop at scene of accident, operation while impaired, operation with more than 80milligrams of alcohol in blood, driving while disqualified	06

<b>Criminal Code Offences</b>	<b>Description</b>	<b>Restriction Code</b>
Harassment, threats	Criminal harassment, uttering threats	04
Assault	Assault, of a peace officer	04
Confinement	Kidnapping, hostage taking, abduction	03
Hate propaganda	Advocating genocide, public incitement of hatred	03
Theft offences	All offences	04
Forgery offences	All offences	04
Robbery, extortion	All offences	03
Break and enter	Break and enter	04
Crime – possession of property	Possession of property obtained by crime	04
Fraud	Fraud offences, falsifying documents	04
Mischief	Mischief	05
Arson	All offences	04
Counterfeit money	Uttering, advertising, dealing	04
Proceeds of crime	Laundering	04
Indictable offence	Conspiracy to commit	05
Criminal organization	Participating in activities of	03

<b>Controlled Drugs and Substances Act Offences</b>	<b>Description</b>	<b>Restriction Code</b>
<b>Possession</b>	Possession	05
Trafficking	Of Schedule I or II substance	03
	Of Schedule III substance	04
	Of Schedule IV substance	05

<b>Controlled Drugs and Substances Act Offences</b>	<b>Description</b>	<b>Restriction Code</b>
Importing, exporting	Of Schedule I or II substance	03
	Of Schedule III substance	04
	Of Schedule IV substance	05
Production	Of Schedule I or II substance (except marihuana)	03
	Of marijuana	04
	Of Schedule III substance	04
	Of Schedule IV substance	05

<b>Highway Traffic Act Offences</b>	<b>Description</b>	<b>Restriction Code</b>
36	Driving while licence suspended	07
43(1)	Driving while licence suspended	06
Speeding	Exceeding speed by 50 km/hr	06
Careless	Careless driving	06
Fail to remain	Fail to remain at the scene of accident	06
Fail to stop	Fail to stop when signalled or requested by a police officer	06
Racing	Racing	06
Fail to stop	Fail to stop for a school bus	06

<b>City of Toronto Municipal Code Offences</b>	<b>Description</b>	<b>Restriction Code</b>
545-5C	Discrimination	08
545-5D	Refusing to serve a blind person	08
545-5I	Threats and reprisals	08
545-336	Regulations concerning owners and operators of body rub parlours	08
545-341	Construction or equipment to interfere with enforcement	08
545-343	Obstruction or locking of individual rooms or cubicles	08
545-353	Minors, body rub parlours	08
545-355	Hours of operation; schedule of hours of operation to be filed; means of access to remain unobstructed	08

10  
City of Toronto By-law No. 671-2005

---

<b>City of Toronto Municipal Code Offences</b>	<b>Description</b>	<b>Restriction Code</b>
545-371	Regulations concerning owners and operators of adult entertainment parlours	08
545-376	Obstruction or locking individual rooms or cubicles	08
545-385	Minors, adult entertainment parlours	08
545-387	Hours of operation; schedule of hours of operation to be filed; means of access to remain unobstructed	08
545-395/6	Physical contact	08
545-397/8	Performance	08