

Authority: Parks and Environment Committee Item 21.6,
adopted as amended, by City of Toronto Council on January 27 and 28, 2009
Enacted by Council: January 28, 2009

CITY OF TORONTO

BY-LAW No. 89-2009

To amend City of Toronto Municipal Code Chapter 608, Parks, to allow for the suspension of commercial dog walker permits and establish a process for appeals.

WHEREAS under sections 7 and 8 of the *City of Toronto Act, 2006* (the “Act”), the City may pass by-laws respecting the use of its parks system; and

WHEREAS Council has approved a commercial dog walker permit policy, to allow commercial dog walkers in the control of from four to six dogs to use the City’s parks provided they obtain a commercial dog walker permit; and

WHEREAS Municipal Code Chapter 608, Parks must be amended to reflect the requirement for a commercial dog walker permit;

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

1. Chapter 608, Parks, of The City of Toronto Municipal Code is amended by inserting the following after § 608-34.1:

§ 608-34.2 Suspension of Commercial Dog Walker Permit.

A. Definitions.

As used in this Article, the following terms shall have the meanings indicated:

APPEAL COMMITTEE — The Commercial Dog Walker Permit Appeal Committee established by Council to hold hearings in relation to the proposed suspension of commercial dog walker permits.

CONVICTED — To have been issued one or more certificates of offence or summonses and to:

- (1) have made a voluntary payment;
- (2) have disputed the charge and been found guilty of the offence in a court proceeding; or
- (3) have been sentenced in absentia.

PERMIT HOLDER — A person who has been issued a commercial dog walker permit under this Chapter 608, Parks.

B. Suspension of Commercial Dog Walker Permit.

- (1) A permit holder's commercial dog walker permit shall be:
 - (a) Suspended for a period of 90 days if the permit holder has been convicted of contravening this Chapter 608, Parks or Municipal Code Chapter 349, Animals, on any two separate occasions within a six-month period; and
 - (b) Suspended for a period of one year if the permit holder has been convicted of contravening this Chapter 608, Parks or Municipal Code Chapter 349, Animals, on any three separate occasions within a one-year period.
- (2) The General Manager shall provide 30 days written notice to the permit holder before suspending the permit holder's commercial dog walker permit.
- (3) Written notice under Subsection B(2) shall be delivered to the permit holder by means of registered mail. Notice shall be deemed to be received by the permit holder on the third business day following the date of mailing.
- (4) The expiry date of a commercial dog walker permit shall not be extended if a permit holder's commercial dog walker permit is suspended.
- (5) A permit holder cannot apply for a new commercial dog walker permit during a period of suspension.

C. Appeals.

- (1) A permit holder who has been advised that the commercial dog walker permit is being suspended may appeal the decision of the General Manager and request to be heard by the appeal committee, by filing with the General Manager, within 30 days of the General Manager's notice, a request for hearing and including the permit holder's contact information, grounds for the appeal and any related submissions.
- (2) Upon receipt of a request for hearing as set out in Subsection (1), the General Manager shall prepare and forward a report to the appeal committee that shall include:
 - (a) The General Manager's decision, reasons for the suspension of the permit and any recommendations to the appeal committee; and
 - (b) The request for hearing.

- (3) Following receipt of the report prepared by the General Manager, the appeal committee shall provide the permit holder with the opportunity to be heard, after which time the appeal committee shall either:
 - (a) Confirm the original decision made by the General Manager, on such terms and conditions as the appeal committee may determine;
 - (b) Refer the matter back to the General Manager and direct the General Manager to reconsider the matter having regard to such considerations or directions as the appeal committee may recommend; or
 - (c) Direct the General Manager not to suspend the commercial dog walker permit.
- (4) The commercial dog walker permit shall remain valid until a hearing is held.
- (5) If a commercial dog walker permit expires before an appeal is heard, and the appeal committee suspends the permit, the suspension shall apply to any new commercial dog walker permit that has been issued.

D. Public Record of Notices and Suspensions.

- (1) The City shall collect and maintain the following documents, including any personal information contained therein, specifically for the purpose of creating and maintaining a record available to the general public:
 - (a) Written notices of pending suspensions;
 - (b) Requests for hearing, including grounds of appeal and appellant's contact information;
 - (c) All submissions filed with respect to hearings before the appeal committee;
 - (d) The General Manager's report to the appeal committee, including:
 - [1] The General Manager's decision;
 - [2] Reasons for the suspension of the permit; and
 - [3] Any recommendations to the appeal committee.
 - (e) Decisions of the appeal committee;
 - (f) Suspended permits;

- (g) Hearing lists; and
- (h) Schedules of hearings.

- (2) The City shall provide access to the notices of suspension issued and suspended permits, through publishing a record of this information on its website.

E. Fees.

A person requesting a hearing before the appeal committee shall pay the non-refundable fee set out in Chapter 441, Fees and Charges, payable in advance, for the processing of the request for hearing.

§ 608-34.3 Commercial Dog Walker Permit Appeal Committee.

A. Creation of a Committee.

A Commercial Dog Walker Permit Appeal Committee is constituted for the City of Toronto for the purpose of holding hearings with respect to the proposed suspension of a commercial dog walker permit.

B. Composition.

- (1) The appeal committee shall consist of three members composed of:
 - (a) The Manager of Animal Services, Municipal Licensing & Standards;
 - (b) The Manager of Policy & Planning Services, Municipal Licensing & Standards; and
 - (c) The Project Manager of the Clean & Beautiful Secretariat, Transportation Services.
- (2) The Manager of Policy & Planning Services, Municipal Licensing & Standards, shall be the chair of the Committee.

C. Quorum.

The majority of appeal committee members constitute a quorum.

D. Delegation of Responsibilities.

- (1) The responsibilities of the appeal committee shall be solely to:
 - (a) Consider staff recommendations and hear submissions by commercial dog walker permit holders with respect to any appeal

of a notice to suspend a commercial dog walker permit under Section 608-34.2; and

(b) Make final binding decisions with respect to the suspension of commercial dog walker permits.

(2) The authority to make final decisions with respect to the matters in Subsection (1) is delegated to the appeal committee.

E. Procedures.

The appeal committee is a quasi-judicial body that conducts itself in accordance with the *Statutory Powers Procedure Act*.

F. Open hearings.

The hearings before the appeal committee shall be held as hearings open to the public, except that where meetings may be closed to the public under the *City of Toronto Act, 2006*, the hearings before the appeal committee may also be closed.

ENACTED AND PASSED this 28th day of January, A.D. 2009.

SANDRA BUSSIN,
Speaker

ULLI S. WATKISS
City Clerk

(Corporate Seal)