

Authority: Licensing and Standards Committee Item 16.1, adopted as amended,  
by City of Toronto Council on October 29 and 30, 2008  
Enacted by Council: August 6, 2009

**CITY OF TORONTO**

**BY-LAW No. 663-2009**

**To amend Article V, Right of Entry, of Municipal Code Chapter 363, Building Construction and Demolition, respecting insurance and indemnity requirements and to make technical amendments.**

WHEREAS Article V must be amended to set out the insurance required by the City and available from insurance providers, to show that the persons undertaking the repairs have sufficient insurance to cover any potential liability that might result from such entry as required under motion 2 as set out in Executive Committee Item 16.1, as amended and adopted by Council at its meeting held on October 29 and 30, 2008; and to include a reference to the City in the indemnity provision that was inadvertently left out; and

WHEREAS under § 169-26 of Municipal Code Chapter 169, Officials, City, the City Solicitor, in consultation with the City Clerk, may submit bills directly to Council to make technical amendments to the Municipal Code and other by-laws to correct technical errors;

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

1. Article V, Right of Entry, of Chapter 363, Building Construction and Demolition, of The City of Toronto Municipal Code is amended as follows:
  - A. Section 363-24B is amended as follows:
    - (1) By deleting Subsection B(3).
    - (2) By amending Subsection B(6) by deleting “is expected to take”.
    - (3) By amending Subsection B(10) as follows:
      - (a) By amending Subsection B(10)(f) by deleting “and” after “Director;”.
      - (b) By amending Subsection B(10)(g) as follows:
        - [1] By deleting “(d)” after “B(10)” and substituting “(f)”.
        - [2] By inserting “both the City and” after “hold”.
        - [3] By inserting “and” after “law;”.

(c) By adding the following:

“(h) Maintain, and, if applicable, in the case of a non-commercial permit holder require a contractor to maintain, third party bodily injury and property damage insurance, as described in Subsection B(11);”

(4) By deleting Subsection B(11) and substituting the following:

“(11) A certificate of insurance, satisfactory to the Executive Director in consultation with the Manager of Insurance and Risk Management, for the third party bodily injury and property damage insurance with a limit of not less than \$1,000,000, or as increased under Subsection B(11)(d), that is applicable throughout the term of the permit; as follows:

(a) From the permit holder;

(b) From a contractor retained by a non-commercial permit holder, where the permit holder’s interest in the property is insured under a personal liability insurance policy, to carry out all or part of the proposed work on the adjoining land;

(c) In the case of a commercial permit holder, where the permit holder's interest in the property cannot be insured under a personal liability insurance policy, and in the case of a contractor as described in Subsection B(11)(b):

[1] The insurance policy shall be a commercial general liability insurance policy with a limit of not less than \$1,000,000, per occurrence, or as increased under Subsection B(11)(d), of third party bodily injury and property damage coverage; and

[2] The insurance policy shall include both the City of Toronto and the owner of the adjoining land, as an additional insured and include a cross liability clause; and

(d) In all cases, the minimum limit of \$1,000,000 may be increased for a specific permit, by the Executive Director in consultation with the Manager of Insurance and Risk Management, as an additional condition under § 363-26C; and”

B. Section 363-26G is amended by deleting “permit-application renewal” and substituting “permit-renewal application”.

- C. Section 363-26J is amended by deleting “executive” and substituting “Executive”.
- D. Section 363-30D is amended by deleting “C” after “Section” and substituting “B”.

ENACTED AND PASSED this 6th day of August, A.D. 2009.

GLORIA LINDSAY LUBY,  
Deputy Speaker

ULLI S. WATKISS  
City Clerk

(Corporate Seal)