

Authority: Licensing and Standards Committee Item 3.2,
adopted as amended, by City of Toronto Council on May 17, 18 and 19, 2011
Enacted by Council: May 19, 2011

CITY OF TORONTO

BY-LAW No. 688-2011

To amend City of Toronto Municipal Code Chapter 545, Licensing, respecting the licensing of driveway paving contractors.

WHEREAS the *City of Toronto Act, 2006* grants the City of Toronto the authority to enact by-laws for the licensing, regulating and governing of businesses wholly or partly carried on in the City of Toronto; and

WHEREAS there is a need to separately license and regulate businesses that carry on the business of driveway paving contractor to address health and safety, nuisance and consumer protection concerns raised by this business activity; and

WHEREAS the concerns raised by the operation of these businesses include the need to identify driveway paving contractors to their customers, and the damage to City property and/or infrastructure caused by work being commenced prior to all necessary permits and approvals being obtained; and

WHEREAS a licence fee that is sufficient to cover the costs of administration and enforcement of Chapter 545 is necessary to ensure that the protection of consumers, the health and safety of the public and the control of nuisance can be accomplished through an adequately funded and administratively efficient program;

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

City of Toronto Municipal Code Chapter 545, Licensing, is amended by:

1. Adding the following definition, in its alphabetical place, to § 545-1:

DRIVEWAY PAVING CONTRACTOR — Any person that has ownership of a business that paves or resurfaces driveways and parking lots;

2. Adding the following subsection to § 545-2A:

(68) Every driveway paving contractor.

3. Adding the Article attached as Schedule "A" to this by-law;

Amending Appendix A to Chapter 545, Fee Class 09 by adding the words "work as a driveway paving contractor" immediately before the words " and work as a building cleaner"; and

4. Adding the Appendix, attached to this by-law as Schedule "B", to the appendices to Chapter 545;

5. This by-law shall come into effect on July 4, 2011.

ENACTED AND PASSED this 19th day of May, A.D. 2011.

FRANCES NUNZIATA,
Speaker

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

SCHEDULE "A"

ARTICLE XLIII DRIVEWAY PAVING CONTRACTORS

§ 545-508. Regular place of business required; minimum age.

No person shall be licensed as a driveway paving contractor unless he or she has a regular place of business and, if other than a corporation, is of the full age of 18 years.

§ 545-509. Notification upon change of address.

In addition to furnishing any information required under this chapter, every applicant for a driveway paving contractor's licence shall, in his or her application, set out the mailing address of his or her proposed business premises, and every holder of such a licence shall notify the Municipal Licensing and Standards Division in writing within 48 hours of any change of his or her business address.

§ 545-510. Identification of vehicles used by driveway paving contractors; advertisements.

A. Any driveway paving contractor shall ensure that:

- (1) All vehicles used by him or her in the course of business bear on both sides of each such vehicle in letters and figures not less than 10 centimetres in height and clearly legible at a distance of six metres the words "Toronto Licence No." followed by the number of the licence issued by the Municipal Licensing and Standards Division to such contractor.
- (2) All stationery, forms, bills, invoices, statements and any other printed or written advertising material, including any published advertisements in a newspaper, periodical, directory or other publication used by such driveway paving contractor in the course of such business, bear in clearly legible letters and figures the same inscription.

B. For purposes of this section, any reference to the number of a licence shall mean the trade number that is issued to a licensee by the Municipal Licensing and Standards Division to identify the particular trade or type of business that is licensed.

§ 545-511. Use of trade names.

A person licensed as a driveway paving contractor may carry on business under a trade name or name other than his or her own but shall not carry on business under more than one name, and only one licence shall be issued.

§ 545-512. Regulations concerning driveway paving contractors; written contracts.

Every person licensed or required to be licensed under this chapter as a driveway paving contractor shall observe or cause to be observed the following regulations:

- A. Before commencing any work, a driveway paving contractor shall enter into a written contract with the person for whom the work is to be performed. The contract is to be signed by the contractor and such person and the contract is to be in the form attached hereto as Appendix O located at the end of this chapter.
- B. No other work shall be done by such driveway paving contractor as an extra or otherwise unless and until a further contract on the same form covering such other work has been entered into in like manner between the parties.
- C. The driveway paving contractor shall complete the form of contract in as much detail as may be practical as to the quality and quantity of material and the number of hours of labour involved and the rate thereof and as to all other dimensions and measurements relating to the work to be done.
- D. A driveway paving contractor shall upon request furnish to the person for whom the work has been done an itemized and detailed written bill concerning such work within 24 hours.
- E. The contract shall not contain any clause or provisions except those contained in Appendix O located at the end of this chapter without the express approval of the Executive Director or his or her designate, and the driveway paving contractor shall not enter into any collateral or supplemental agreement or arrangement which terms are repugnant to or inconsistent with the contract.

§ 545-513. No work to be conducted without a valid permit.

Every person licensed or required to be licensed under this by-law, shall obtain all permits and approvals required by law prior to the commencement of any work.

§ 545-514. Policy of insurance; certified copy or certificate.

- A. Every driveway paving contractor shall procure a policy of insurance in at least the amount of \$2,000,000.00 (exclusive of interest and costs) comprehensive against loss or damage resulting from bodily injury to or the death of one or more persons, or from loss or damage to property resulting from any accident.
- B. The policy of insurance shall:
 - (1) Provide for cross-liability and severability of interest;
 - (2) Be endorsed to the effect that the Municipal Licensing and Standards Division will be given at least 10 days' written notice of any cancellation, expiration or variation in the amount of the policy; and

- (3) Name the City of Toronto as an additional insured.
- C. A certified copy or certificate of the policy of insurance shall be deposited with the Municipal Licensing and Standards Division.

SCHEDULE "B"

**APPENDIX O TO CH. 545
CONTRACT FORM FOR DRIVEWAY PAVING CONTRACTORS**

Name, address and telephone number of building renovator
Toronto Licence Number

Date _____

TO: (Name and address of person for whom the work is to be done)

RE: (Address where work is to be done)

We offer to furnish all materials and labour necessary to complete the following:

All of the above work is to be completed in a workmanlike manner on or before
(completion date) for the sum of _____

Payment to be made on receipt of invoice.

(Signature of paving contractor)

ACCEPTANCE

I/We hereby accept the above offer and authorize you to proceed with the above work in
accordance with the above terms.

(Signature of person for whom work is to be done)

One copy of this contract signed by both parties is to be delivered to the person for whom the
work is to be done before any work is done. The other copy signed by both parties is to be
retained by the driveway paving contractor.