



**STAFF REPORT
ACTION REQUIRED**

**Supplementary Report: Banning the possession, sale,
and consumption of shark fin products in Toronto**

Date:	October 6, 2011
To:	Licensing and Standards Committee
From:	Acting Executive Director, Municipal Licensing and Standards
Wards:	All
Reference Number:	P:\2011\Cluster B\MLS\LS11021

SUMMARY

Further to the October 4, 2011 report from the Executive Director, Municipal Licensing and Standards on a by-law that would prohibit the possession, sale and consumption of shark fin products in Toronto, this supplementary report provides a more complete response to the Committee's direction to staff at its September 9, 2011 meeting.

The draft stand-alone by-law attached to this report is provided for the Committee's consideration should it decide to recommend a ban on the possession, sale, and consumption of shark fin products in Toronto. Under such a ban, staff propose to inform, educate and work with business associations, BIAs and independent businesses to promote compliance with the by-law.

This report was written in consultation with the City Solicitor.

RECOMMENDATIONS

The Executive Director, Municipal Licensing and Standards recommends that:

1. This report be received for information.

Financial Impact

If a by-law is adopted, Municipal Licensing and Standards will work through existing channels to communicate the requirements under the bylaw to all affected parties. It will, in consultation with Toronto Public Health, work to promote compliance in restaurants and other businesses that provide shark fin food products. Enforcement activity will also be conducted on a complaint basis. It is difficult to anticipate how many complaints may be received; however, staff believe the initial communications plan and education strategy can be absorbed within the current operations.

The Deputy City Manager and Chief Financial Officer has reviewed this report and agrees with the financial impact information.

DECISION HISTORY

Further to the information in the October 4, 2011 report, staff note that on October 5, 2011, the City of Mississauga's General Committee recommended adoption of a by-law to its Council. Mississauga City Council will have the matter before it on October 12, 2011. The staff report also suggested that this issue needs to be dealt with by the Federal Government.

COMMENTS

The draft by-law provided for consideration by the Committee makes the possession, sale and consumption of shark-fin products illegal in the City of Toronto. The by-law is a stand-alone by-law, as it neither seeks to license or regulate the sale, possession or consumption of shark fins under Municipal Code Chapter 545, Licensing or Chapter 349, Animals.

Shark fins can be freely purchased in other jurisdictions in Canada, including the municipalities bordering the City of Toronto. This fact poses some unique enforcement challenges. If the by-law is adopted, staff propose to seek compliance with the by-law through an education and awareness program. Staff will work with trade associations, such as restaurant and food services associations, the management boards of local Business Improvement Areas, and individual business owners.

Staff will use existing communication channels, such as its web site and licence renewal notices, to communicate the new regulations under the by-law.

Municipal Licensing and Standards will investigate any complaints from the public relating to non-compliance with the by-law. In the case of restaurants that refuse to comply or are repeat offenders, enforcement action will be taken, including prosecution under the Provincial Offences Act. Business licences could also be reviewed through hearings before the Toronto Licensing Tribunal.

Conclusion

Staff recommend that Committee and Council request the Federal Government to ban the importation of shark fin, cartilage and all other derivative products to Canada and to actively protect shark populations in Canadian waters.

The draft by-law is provided in the event that Committee recommends to City Council to ban the sale and consumption of shark fins in the City. Staff propose that if a ban is approved by Council, compliance be largely achieved through information, education and co-operation with local business and community groups.

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SIGNATURE

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ATTACHMENTS

Appendix A: By-law to prohibit the possession, sale and consumption of shark-fin products.