



**STAFF REPORT
ACTION REQUIRED
with Confidential Attachment**

**Zoning By-law Amendment to Regulate Discharge and
Manufacture of Firearms**

Date:	November 30, 2011
To:	City Council
From:	City Solicitor
Wards:	All Wards
Reason for Confidential Information:	This report is about litigation that affects the City and contains advice and communications that are subject to solicitor-client privilege.
Reference Number:	

SUMMARY

On October 30, 2008, the City enacted By-law No. 1151-2008, which was an amendment to all City Zoning By-laws to restrict shooting ranges and the manufacturing of firearms within the City of Toronto. The by-law was appealed to the Ontario Municipal Board by two appellants and the Ontario Municipal Board has held two prehearing conferences. A third prehearing has been scheduled for February 22, 2012, and a 10 day hearing is scheduled to commence on April 10, 2012. One of the appellants has made an Offer to Settle, and the Confidential Attachment to this report discusses the Offer and makes confidential recommendations to City Council.

RECOMMENDATIONS

The City Solicitor recommends that:

1. Council adopt the confidential instructions to staff in Attachment 1.
2. Council authorize the public release of the Confidential instructions adopted by City Council at the conclusion of the Council meeting and direct that the balance of Confidential Attachment 1 including Appendix A, B and C remain confidential and be released at the discretion of the City Solicitor.

Financial Impact

The adoption of these recommendations will have no financial impact beyond what has already been approved in the current year's budget.

DECISION HISTORY

On October 30, 2008, Council enacted By-law No. 1151-2008, which amended all zoning by-laws in the City of Toronto. The intent of the by-law was to restrict uses permitting the discharge of firearms, specifically firing ranges and gun clubs, to establishments operated by a governmental body, and to restrict the manufacture or making of firearms in Toronto. Two appeals to the By-law were made to the Ontario Municipal Board; the first on behalf of the Canadian Shooting Sports Association, and the second by Charles Taylor, operating as Movie Armaments Group.

In July 2010, City Council adopted a confidential report (Item CC51.1) from the City Solicitor, and accepted an Offer to Settle submitted by Charles Taylor, operating as Movie Armaments Group. In so doing, Council authorized amendments to By-law No. 1151-2008 which clarified that the by-law did not apply to the use of firearms in the motion picture or entertainment industry, and clarified that the by-law did not apply to the repair or modification of a firearm.

<http://app.toronto.ca/tmmis/viewPublishedReport.do?function=getCouncilDecisionDocumentReport&meetingId=3291>

The Ontario Municipal Board has held two Prehearing Conferences, and has scheduled a third prehearing conference for February 22, 2012. A 10 day hearing is scheduled to commence on April 10, 2012, for the hearing of the appeals.

The remaining appellant to By-law No. 1151-2008 has delivered a Confidential Offer to Settle to the City Solicitor. The City Solicitor is presenting this Offer to City Council with recommendations and for consideration by Council.

COMMENTS

The remaining appellant to By-law No. 1151-2008 has delivered a Confidential Offer to Settle its appeal to the Ontario Municipal Board. Attachment 1 to this report discusses the Offer to Settle.

CONTACT

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SIGNATURE

Anna Kinastowski, City Solicitor

ATTACHMENTS

1. Confidential Information – By-law No. 1151-2008 – Ontario Municipal Board – Offer to Settle