



**STAFF REPORT
ACTION REQUIRED
Confidential Attachment**

Court Decision Regarding By-law No. 1147-2011, Shark Fin Ban

Date:	February 4, 2012
To:	City Council
From:	City Solicitor
Wards:	All
Reason for Confidential Information:	<ol style="list-style-type: none">1. This report is about litigation or potential litigation that affects the City or one of its agencies, boards, and commissions.2. This report contains advice or communications that are subject to solicitor-client privilege.
Reference Number:	

SUMMARY

This report advises of the decision of the Superior Court of Justice released on November 30, 2012 regarding By-law No. 1147-2011, a by-law prohibiting the possession, sale and consumption of shark fins and shark fin products in Toronto. The confidential portion of this report (Attachment 1) provides confidential information and recommendations regarding this decision.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt recommendation No. 1 contained in Attachment 1.
2. City Council authorize the public release of recommendation No. 1 in Attachment 1 if adopted, and that the remainder of the information contained in Attachment 1 be kept confidential.
3. The appropriate City staff be authorized and directed to take the necessary action to give effect thereto.

Financial Impact

The financial impacts are identified in Attachment 1.

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

DECISION HISTORY

By-law No. 1147-2011 was enacted on October 25, 2011 by the adoption by City Council of Licensing and Standards Committee Item 9.3.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2011.LS9.3>

COMMENTS

By decision released on November 30, 2012, the Superior Court of Justice found the by-law to be invalid.

The Court decision is available online at

<http://www.canlii.org/en/on/onsc/doc/2012/2012onsc6818/2012onsc6818.html>

The Executive Director, Municipal Licensing & Standards, has been consulted in the preparation of this report.

CONTACT

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SIGNATURE

Anna Kinastowski, City Solicitor

ATTACHMENTS

1. Confidential Attachment