

Extending the time limit for investigations of Provincial Offences Act charges under the Lobbying By-law

Date: June 27, 2017

To: City Council

From: City Manager

Wards: All

SUMMARY

This report recommends that City Council amend the Toronto Municipal Code to extend the time limit for investigations of Provincial Offences Act charges under the City's Lobbying By-law from six months to two years. This is a new authority given to the City under Bill 68, Modernizing Ontario's Municipal Legislation Act, 2017 that was recently passed by the Provincial legislature.

The report also provides an update on the status of Bill 68 and recommends that the City Manager, in consultation with the City Solicitor, review and develop implementation strategies for all new municipal authorities resulting from the enactment of Bill 68 and report as necessary on any new or amended City by-laws, policies or procedures.

RECOMMENDATIONS

The City Manager recommends that:

1. City Council amend Toronto Municipal Code, Chapter 140, Lobbying, to extend the time limit for investigations of Provincial Offences Act charges under the City's Lobbying By-law from six months to two years, substantially as outlined in Attachment 1 of this report.
2. City Council direct the City Manager, in consultation with the City Solicitor, to review and develop implementation strategies for all new municipal authorities resulting from the enactment of the Modernizing Municipal Legislation Act, 2017 and to report as necessary on any new or amended City by-laws, policies or procedures.

FINANCIAL IMPACT

There are no financial implications resulting from the implementation of the recommendations in this report.

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

DECISION HISTORY

On September 30, October 1 and 2, 2015, City Council adopted **2015.EX8.1 Five-Year Review of the City of Toronto Act, 2006**, which directed the City Manager to submit 29 proposed policy amendments and 25 technical amendments to the Province for its consideration during its review of municipal legislation. One of the policy amendments requested was to extend the time limit for investigations of Provincial Offences Act charges under the City's Lobbying By-law from six months to two years. The decision and report are available at this link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.EX8.1>

On January 31, 2017, City Council adopted **2017.EX21.3 Bill 68, Modernizing Ontario's Municipal Legislation Act, 2016 - Implications for the City of Toronto**, which included an overview of Bill 68 (as introduced on November 16, 2016) and a report on the status of requests made by the City of Toronto during the COTA Five-Year Review. In its decision, City Council recommended several amendments for the City to propose at the public hearings on Bill 68. The decision and report are available at this link: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.EX21.3>

ISSUE BACKGROUND

On May 30, 2017, Bill 68, Modernizing Ontario's Municipal Legislation Act, 2017 received Royal Assent. The legislation includes amendments to the City of Toronto Act (COTA), the Municipal Act, the Municipal Conflict of Interest Act (MCIA), the Municipal Elections Act (MEA) and other statutes. Bill 68 is the culmination of the Province's municipal legislative review consultations, including the five-year review of COTA.

Most provisions of Bill 68 came into force upon Royal Assent. In general, these are either enabling provisions that allow the City to take action (but do not compel it), or housekeeping amendments.

Other provisions that require the Province to develop additional legislation or regulations, or require the City to develop or update by-laws, will come into force upon proclamation (i.e. the Provincial Cabinet will pass an Order-in-Council to bring the relevant section into effect).

Attachment 2 shows the disposition of all requests made by the City of Toronto as part of the COTA Five-Year Review and through the Provincial Standing Committee process for Bill 68, including whether or not the City's request was met and whether the provision is currently in force or still subject to proclamation.

COMMENTS

The Lobbyist Registrar has requested that City Council act immediately on its new authority to extend the time limit for investigations of Provincial Offences Act charges under the City's Lobbying By-law from six months to two years.

An extension to the time limit for investigations will enable more investigations to be completed, and enhance oversight and accountability. The current default time limit of 6 months is insufficient in most cases to complete an investigation, given that breaches of the Lobbying By-law tend to be complex, requiring production of documents and interviews of witnesses.

Given the number and range of new authorities that the City has received as a result of the passage of Bill 68, it is further recommended that City Council direct the City Manager, in consultation with the City Solicitor, to review and develop implementation strategies for all new municipal authorities resulting from the enactment of the Modernizing Municipal Legislation Act, 2017 and to report as necessary on any new or amended City by-laws, policies or procedures.

CONTACT

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SIGNATURE

Peter Wallace
City Manager

ATTACHMENTS

Attachment 1: Proposed amendments to Toronto Municipal Code, Chapter 140, Lobbying

Attachment 2: Disposition of Amendments Requested by the City of Toronto through the Five-Year Review of the City of Toronto Act, 2006 and Standing Committee consideration of Bill 68, Modernizing Ontario's Municipal Legislation Act, 2017