

Defining prepared meals in Chapter 510, Holiday Shopping

Date: November 28, 2017

To: City Council

From: City Solicitor

Wards: All

SUMMARY

This report responds to Council's direction to the City Solicitor to report on a definition for the term "prepared meals" in Toronto Municipal Code Chapter 510, Holiday Shopping ("Chapter 510"). The City Solicitor has recommended amendments to Chapter 510 that would establish a definition of prepared meals in Chapter 510 that reflects the limits contained in subsection 97(3)(a) of the City of Toronto Act, 2006 ("COTA").

The recommendations also address the impacts of the court decisions in the Longo's case and the City's desire to create a fair and reasonable definition that addresses the concerns raised in the court decision. The definition will ensure that members of the public are clear on the requirements of the "prepared meals" exemption in Chapter 510.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council amend Municipal Code Chapter 510, Holiday Shopping, as follows:

(a) to define the term "prepared meal" as "any food product that has undergone preparation with the intent to offer it for immediate consumption as a meal";

(b) to define the term "preparation" as "cooking, chopping, baking, combining of ingredients, or other processes to make food ready for immediate consumption"; and

(c) to define the words "goods or services in the form of, or in connection with, prepared meals" as "a prepared meal, services required to sell or prepare a prepared meal, or any good or service provided for the purpose of the immediate consumption of the prepared meal".

FINANCIAL IMPACT

There is no financial impact resulting from the adoption of the recommendations in this report.

DECISION HISTORY

At its meeting of November 7, 8 and 9, 2017, City Council directed the City Solicitor, in consultation with the Executive Director, Municipal Licensing and Standards, to report directly to the next Council meeting with a recommended definition of "prepared meals". <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.LS22.1>

COMMENTS

Subsection 97(3)(a) of COTA, prevents the City from regulating the operating hours, including the closing times, of business establishments involved in the selling or offering for sale by retail of "goods or services in the form of or in connection with prepared meals or living accommodations".

No definition of "prepared meals" currently exists in COTA or in Chapter 510. As illustrated in the Longo's decision, changing business practices in retail over time are now challenging the convention of what types of businesses may be the purveyors of prepared meals.

The recommendations contained in this report will establish a definition of "prepared meals" and "goods or services in the form of or in connection with prepared meals" for Chapter 510, which is reasonable and defensible having regard to the limit contained in section 97 of COTA.

The recommendations also address the impacts of the court decisions in the Longo's case, which required amendments to Chapter 510 to ensure that the provisions pertaining to the prepared meals exemption were enforceable. The recommended amendments will establish a fair and reasonable definition that addresses the concerns raised in the court decision. In addition, the definition will clarify the requirements of the "prepared meals" exemption in Chapter 510 for members of the public.

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SIGNATURE

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