

## City Powers to Regulate Firearms and Ammunition and Update on Related Initiatives

**Date:** May 29, 2019  
**To:** Executive Committee  
**From:** City Manager  
**Wards:** All

### SUMMARY

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City Council through its adoption of CC44.14, MM44.6, MM38.8 and MM19.41 requested staff to report back on 17 directions related to firearms and ammunition in Toronto, including a request to review the City's legislative powers, by-law and/or policy initiatives to regulate the sale of handguns and/or the sale, storage and use of ammunition; and to assess the regulation of fireworks to see if similar regulations can be used to regulate or limit the sale of ammunition (Attachment 1).

In preparing this report, staff reviewed the federal and provincial legislative framework that regulates the sale, storage and use of firearms (including handguns) and ammunition, past staff reports and the relevant practices of 18 other Canadian local governments to explore what powers may be available to the City to regulate handguns and ammunition.

The regulation of handguns and ammunition is within federal jurisdiction, with implementation responsibilities delegated to Provinces, and to some extent within the property and civil rights jurisdiction of the Provinces. Within the current legislative framework, there is little jurisdictional room for the City to act without conflicting with or frustrating the current federal and provincial regulation of firearms and ammunition. The exceptions to this are the authority delegated by the Province to the City to regulate the discharge of firearms, and the recognition of City by-laws related to shooting ranges in the federal *Firearms Act*. Within its limited authority, the City has prohibited the discharge of firearms outside of shooting ranges, and prohibited new shooting ranges in Toronto through a zoning by-law amendment.

Given the legislative framework, the City has also requested action by the federal and provincial governments to limit the supply of handguns and ammunition within City boundaries. In 2018, Council requested a number of federal and provincial legislative amendments, including a ban on handguns, assault rifles and semi-automatic firearms. This report recommends that key requests by Council to the federal and provincial governments are reiterated.

If Toronto and other municipalities were to be given the authority to ban handguns and assault-style weapons, it would likely be done through a delegation of authority from the federal government to the Province. In turn, the Province would authorize municipalities to make the decision to ban these firearms within their boundaries.

This report also includes information requested by City Council on the City's approach to businesses with known incidents of gun violence, the implementation of a Toronto gun buy-back program, the seize-and-destroy procedure used for confiscated guns, information about gun clubs with shooting ranges, and an update on the acquisition of ShotSpotter technology. This information is provided in the report.

## **RECOMMENDATIONS**

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The City Manager recommends that:

1. City Council reiterate its requests to the Government of Canada to:

- a) Ban the sale of handguns in the City of Toronto.
- b) Prohibit the availability, sale, possession and use of handguns, assault rifles and semi-automatic firearms in Canada, with the exception of the Canadian Armed Forces, police services or other entity that is authorized to possess firearms with legal obligations imposed by the municipal, provincial and federal governments.
- c) Require firearms dealers to record the licence number, make, model and serial number of all firearms sold and subject these records to annual inspection so that police services can inspect records as needed to trace firearms used in crimes.
- d) Create more stringent transport provisions for restricted firearms to limit transport outside of direct transfers between their place of storage and approved destination.
- e) Implement tougher screening for mental health and intimate partner violence issues for licensed gun owners and those seeking to acquire firearm permits.
- f) Create gun repositories that require all long guns and hand guns to be locked up and only retrieved if and where there is a need for hunting or going to the range for target practice, such repositories to be developed in a private-public partnership.
- g) Direct more resources to tackle domestic firearm trafficking, specifically targeting large single purchasers of firearms.
- h) Control guns coming into Canada along the American and Canadian border.
- i) Include tougher penalties including mandatory-minimum sentences for gun traffickers.

2. City Council reiterate its requests to the Government of Ontario to:

- a) Ban the sale of handgun ammunition in the City of Toronto.
- b) Legislate a suspension of the Alcohol and Gaming Commission liquor licence for establishments where the Toronto Police Service has evidence of multiple gun-related offences occurring on the premises.

## **FINANCIAL IMPACT**

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There are no financial implications resulting from the adoption of this report.

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

## **DECISION HISTORY**

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At its meeting of May 14 and 15, 2019, Council approved funding for an initiative to reduce the number of unwanted firearms in the City. The initiative offered financial incentives to residents of Toronto for their unwanted firearms, in order to remove them from risk of being used for crime or violent acts.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.EX5.7>

At its meeting of July 23, 2018, Council requested a report on by-law and/or policy initiatives to control the sale of handguns in Toronto; options to regulate the sale, storage and use of ammunition; the use of ShotSpotter technology; a gun amnesty/buy-back program; and the acquisition and repurposing of operating shooting ranges in the City. <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.CC44.14>

At its meeting of July 23, 2018, Council requested a report on its request that the Toronto Police Services Board, the Ontario Provincial Police and the Province of Ontario implement a seize-and-destroy procedure for illegal guns and ammunition.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.MM44.6>

At its meeting of June 26, 2018, Council requested the City Manager to request an emergency meeting with Toronto Police Service and Toronto Community Housing to discuss immediate measures to curb gun and gang violence, amendments to Provincial legislation to prohibit driving in a motor vehicle in which there is an unlawfully possessed handgun, amendments to the Federal Bill C-71 to allow municipal police services access to legal firearms sales records, and the Provincial and Federal Governments review bail procedures to prevent persons previously convicted of firearm-related charges from being granted bail.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.MM43.23>

At its meeting of March 26, 2018 in consideration of MM38.8: Keeping Toronto Safe by Ammunition Control, Council requested a report on zoning amendments, licensing provisions and potential other powers that could regulate the sale, storage and use of

ammunition for firearms.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.MM38.8>

At its meeting of June 28, 2016, in consideration of EX16.48: Gun Amnesty/Buy-back Program, Executive Committee referred the item to the City Manager for report back to the Committee.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.EX16.48>

At its meeting of June 7, 2016, in consideration of MM19.41: Request the Province of Ontario to Suspend Liquor Licenses for Establishments with Illegal Handguns, Council requested consultation and a report on proactive, comprehensive, cohesive and coordinated enforcement measures to address issues where crime is known or suspected to be taking place.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.MM19.41>

At its meeting of October 29, 2008, in consideration of PG19.2: Zoning By-law Amendments to Restrict Shooting Ranges and Gun Manufacturers, Council amended the City's Zoning By-law to regulate the permissions for the establishment of uses involved in the making or discharging of firearms in the City of Toronto.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2008.PG19.2>

On June 23, 2008, City Council considered the staff report EX21.2 "City-Based Measures to Address Gun Violence", which contained an extensive review of City powers to address gun violence under legislation. City Council adopted 24 measures related to land use zoning, clarification and enforcement of the City's firearms policy, monitoring of firearms incidents, youth gang prevention programming and intergovernmental advocacy on firearms issues.

<http://www.toronto.ca/legdocs/mmis/2008/cc/decisions/2008-06-23-cc22-dd.pdf>

On April 7, 2008, Executive Committee received EX19.16 "Report to Executive Committee Update on Toronto Gun Violence Strategy", which recommended a handgun ban, stronger penalties for illegal gun use, stricter gun control and community-based prevention initiatives. On April 28, 2008, in response to this report, City Council tasked the City Manager with preparing a report on City-based measures that could address gun violence in Toronto. <https://www.toronto.ca/legdocs/mmis/2008/cc/decisions/2008-04-28-cc20-dd.pdf>

## **BACKGROUND**

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### **Toronto's Context**

In comparison with other large urban centres around the world, Toronto has relatively low levels of gun violence. According to the Economist Intelligence Unit, Toronto ranked as the 4th safest city on a list of 60 international cities in 2017, and safest among North American cities listed (<https://dkf1ato8y5dsg.cloudfront.net/uploads/5/82/safe-cities-index-eng-web.pdf>). According to Statistics Canada, Toronto had the fifth highest firearm-related violent crime rate among Canadian Census Metropolitan Areas in 2017.

Nonetheless, this type of violence has been a persistent threat to the safety and security of Torontonians. According to Statistics Canada, the rate of firearm-related violent crime in the Toronto has doubled between 2013 and 2017, from 17.8 victims per 100,000 persons to 35.7 victims per 100,000 persons ([https://sencanada.ca/content/sen/committee/421/SECD/Briefs/Stats\\_Can\\_Presentation\\_ppt\\_e.pdf](https://sencanada.ca/content/sen/committee/421/SECD/Briefs/Stats_Can_Presentation_ppt_e.pdf) ). According to Toronto Police Service statistics, there were 428 shootings in 2018, representing a 9% increase over the previous year and the highest number since the start of data collection in 2004. Of the 96 homicides committed in Toronto in 2018, over half (51 homicides) were shootings (<http://data.torontopolice.on.ca/> ).

### **Guns Used for Crime**

As of May 2019, the Chief Firearms Officer of Ontario reports that there were 36,832 firearm licenses (which includes licenses for handguns) registered to individuals with Toronto addresses. The total number of restricted and prohibited firearms registered to these individuals is 82,013, but the number of unregistered and illegal firearms held by people in Toronto is not known.

According to the Toronto Police Service (TPS), seized firearms used to commit crimes in Toronto are generally acquired legally from retailers or individuals in both the United States and Canada, and then stolen or otherwise acquired for criminal purposes. Most U.S. sourced crime guns are handguns, and most Canadian sourced crime guns are long guns, including sawed-off shotguns. In 2018, TPS seized 831 crime guns. Of the guns TPS were able to trace, 70% were from the United States and 30% were from Canada. These domestically sourced crime guns had been purchased or acquired in Canada by registered gun owners and then diverted to the illegal firearm market for profit, or stolen from legal gun owners. In 2017, there were 1,175 reported incidents of stolen firearms through break and enter in Canada.

## **COMMENTS**

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This report responds to 17 Council directions related to the City's power to regulate the sale of handguns and the sale, storage and use of ammunition, information on the City's approach to businesses with known incidents of gun violence, the recent gun buy-back program, the seize-and-destroy procedure used for confiscated firearms, information about gun clubs with shooting ranges in Toronto, and an update on the implementation of ShotSpotter technology. The Council directions are grouped by theme in Attachment 1 of this report.

A working group of City staff including Municipal Licensing and Standards (MLS), City Planning, Social Development Finance and Administration (SDFA), Legal Services, Real Estate Services and Strategic and Corporate Policy has been established to respond to these directions. This group has consulted internally with Toronto Fire, Toronto Public Health and Shelter Support and Housing Administration as directed by Council. In addition, staff have consulted with the Toronto Police Services Board (TPSB) and the TPS as directed by Council.

## 1. Legislative Framework

Staff undertook a review of legislation relevant to firearm and ammunition regulation, and past staff reports, to clarify the extent of existing City powers in these areas. The results of the legislative review are discussed below and summarized in Attachment 2 of this report.

### Federal Role and Legislation

The Government of Canada has jurisdiction over firearms and ammunition which it exercises primarily through the *Firearms Act*, its regulations and the *Criminal Code*. The *Firearms Act* and its supporting regulations set out the rules for possession, transportation, use and storage of firearms and ammunition in Canada. The *Criminal Code* and its supporting regulations identify the various firearms, weapons and devices governed by the *Firearms Act*. Both the *Criminal Code* and the *Firearms Act* contain offences and penalties for illegal possession or misuse of a firearm. The *Explosives Act* regulates the manufacture, testing, acquisition, possession, sale, storage, transportation, importation and exportation of explosives, including ammunition.

*Under the Firearms Act*, "firearms" refer to all types of guns, and ammunition refers to ammunition for firearms. Firearms are classified under three broad categories: non-restricted, restricted and prohibited. Most handguns are classified as restricted, but can be acquired by anyone with a federal Possession and Acquisition Licence (PAL).

The federal legislation extensively regulates firearms and ammunition, including creating a comprehensive and robust licensing scheme for both purchasers and vendors of firearms and ammunition encompassing sales, storage and manufacturing.

The federal Canadian Firearms Centre (CAFC) oversees the administration of the *Firearms Act* and the Canadian Firearms Program (CFP). The objective of the CFP is to help reduce firearms-related death, injury and crime and to promote public safety through universal licensing of firearms owners.

### Provincial Role and Legislation

Under the CFP, the Province of Ontario has delegated authority from the federal government that permits the provincial Minister of Community Safety and Correctional Services to directly appoint a provincial Chief Firearms Officer and delegate certain powers to that official. The Minister has appointed a member of the Ontario Provincial Police as this official. The Chief Firearms Officer of Ontario is responsible for the decision-making and administrative work related to licences, authorizations to transport and authorizations to carry, transfers of firearms by individuals and businesses, and gun show sponsorship approvals within criteria and regulations set by the *Firearms Act*. This involves determining an applicant or business' eligibility and either issuing, refusing to issue, renewing or revoking the license, authorization to transport, carry, transfer or sponsor.

The Provincial government may regulate the property and civil rights aspects of firearms and ammunition matters. This power gives provinces jurisdiction over many local and private matters within their boundaries, and includes jurisdiction to regulate all types of

businesses and business transactions. Provinces cannot exercise this power in a manner that conflicts with or frustrates federal powers such as the criminal law power which gives the federal government jurisdiction over firearms and ammunition.

Ontario has enacted legislation that supplements the firearms and ammunition restrictions in the *Criminal Code* and *Firearms Act*. Under the *Ontario Ammunition Regulation Act, 1994*, and the *Imitation Firearms Act, 2000*, the Province regulates or prohibits the sale of ammunition, deactivated firearms and imitation firearms to individuals under 18 years of age. There is also the *Mandatory Gunshot Wounds Reporting Act, 2005*, *Fish and Wildlife Conservation Act, 1997* and the *Education Act* (where possession of a firearm results in mandatory suspension of a student).

### **City of Toronto Powers**

The City's authority to regulate firearms and ammunition is limited. Like the Province, a municipality has no jurisdiction over criminal law matters. The City may only regulate firearms and ammunition to the extent to which the Province's jurisdiction over property and civil rights matters is delegated to it by the Province, in a manner that does not conflict with or frustrate current federal or provincial legislation dealing with firearms and ammunition and for a valid municipal purpose.

Under the *Municipal Act, 2001*, municipalities other than the City have specific authority delegated by the Province to regulate the discharge of weapons including firearms and the sale and setting off of fireworks. The City has these authorities under s. 6(2) of the *City of Toronto Act, 2006* which provides generally that the City has all the powers it had under *Municipal Act, 2001*. Under the federal *Firearms Act* regulation (*Shooting Clubs and Shooting Ranges Regulations, 3(2)(d)*), shooting ranges must comply with municipal by-laws.

### *Licensing*

While the *City of Toronto Act, 2006* gives the City broad powers to enact by-laws with respect to a wide range of matters including the health, safety and well-being of persons and the protection of persons and property, these powers must serve a valid municipal purpose, and not conflict with a provincial or federal act or regulation. Given the scope of federal and provincial powers regarding firearms, there is little room for municipal regulation that meets these conditions.

### *Land Use Zoning*

Although the City has powers under Section 34 of the *Planning Act* to regulate through the zoning of property according to land use, it cannot use zoning to prohibit a legal business from operating within its boundaries, absent a land use impact. As noted above, the federal *Shooting Clubs and Shooting Ranges Regulations* stipulates that shooting ranges must comply with municipal by-laws. This regulation recognizes that the City has the ability to regulate the location of shooting ranges through zoning, and the City has exercised this ability through a zoning by-law amendment passed in 2008.

## **2. Limited City Powers**

### **Regulating the Sale of Handguns and the Sale, Storage and Use of Ammunition**

Council requested a review of the powers available to the City to regulate or prohibit the sale of handguns and the sale, storage and use of ammunition. These requests include a review the City's legislative powers, by-law and/or policy initiatives to regulate the sale of handguns (CC44.14, Recommendation 23) and the sale, the storage and use of ammunition (CC44.14, Recommendations 25, 27 and 28; MM38.8, Recommendations 1, 3 and 4).

As noted in the legislative review, a robust federal licensing regime is already in place for the regulation of firearms and ammunition, and is supplemented by provincial jurisdiction over some related property and civil rights matters. The City's jurisdiction cannot conflict with or frustrate current federal or provincial legislation in these areas. As such, the City has little jurisdiction to exercise direct regulatory control over firearms and ammunition.

In addition to the legislative review, staff researched relevant practice in 18 other Canadian local governments (16 municipalities and two regional governments) to explore what actions the City could take. The research found that only three of the 18 local governments have sought to license or zone for firearm and ammunition retailers using municipal powers, and one that did has since changed its approach. As well, one local government licenses firearm training, and two local governments zone for ammunition manufacturing similar to Toronto. The results of the jurisdictional scan are contained in Attachment 3 of this report.

Recognizing the City's limited authority, Council has made a number of requests to both the federal and provincial governments that if granted would significantly enhance the regulation of firearms and ammunition. Requests to the Federal Government include:

- a) Ban the sale of handguns in the City of Toronto.
- b) Prohibit the availability, sale, possession and use of handguns, assault rifles and semi-automatic firearms in Canada, with the exception of the Canadian Armed Forces, police services or other entity that is authorized to possess firearms with legal obligations imposed by the municipal, provincial and federal governments.
- c) Require firearms dealers to record the licence number, make, model and serial number of all firearms sold and subject these records to annual inspection so that police services can inspect records as needed to trace firearms used in crimes.
- d) Create more stringent transport provisions for restricted firearms to limit transport outside of direct transfers between their place of storage and approved destination.
- e) Implement tougher screening for mental health and intimate partner violence issues for licensed gun owners and those seeking to acquire firearm permits.
- f) Create gun repositories that require all long guns and hand guns to be locked up and only retrieved if and where there is a need for hunting or going to the range for target practice, such repositories to be developed in a private-public partnership.

- g) Direct more resources to tackle domestic firearm trafficking, specifically targeting large single purchasers of firearms.
- h) Control guns coming into Canada along the American and Canadian border.
- i) Include tougher penalties including mandatory-minimum sentences for gun traffickers.

In addition, Council has requested the Government of Ontario to:

- a) Ban the sale of handgun ammunition in the City of Toronto.
- b) Legislate a suspension of the Alcohol and Gaming Commission liquor licence for establishments where the Toronto Police Service has evidence of multiple gun-related offences occurring on the premises.

These key requests by Council represent measures that could be taken to assist in addressing gun violence on many fronts in areas of jurisdiction that currently rest with the federal and provincial governments.

Additionally, some progress on Council's requests has been made. Following Council's request for a handgun ban, the Federal Minister of Border Security and Organized Crime Reduction initiated a consultation on the potential for a national ban of handguns and assault-style weapons. The consultation included round table discussions across the country, and an on-line survey. The report released in April 2019 suggested that Canadians are polarized on banning or limiting access to these firearms, but the Minister publicly stated that the Government of Canada has not ruled out action on the proposal.

If Toronto and other municipalities were to be given the authority to ban handguns and assault-style weapons, it would likely be done through a delegation of authority from the federal government to the Province. In turn, the Province would authorize municipalities to make the decision to ban these firearms within their boundaries. Section 69 of the *Cannabis Act* is a recent example of federal delegation to the province which, in part, has been further delegated by the province to municipalities under the provincial cannabis legislation.

### **Authority to Zone for Firearm Retail Operations**

Council requested the Chief Planner and Executive Director, City Planning to report back with draft options for a zoning by-law amendment that would have the effect of regulating the sale and storage of ammunition for firearms (CC44.14, Recommendation 28; MM38.8, Recommendation 1).

Section 34 of the *Planning Act* allows municipalities to pass zoning by-laws to regulate land on the basis of use and its impacts. However, it does not provide authority to regulate a business based upon the products sold or services rendered, unless there are specific land use impacts for doing so. Toronto's Zoning By-law 569-2013 applies a broad definition of retail store, and does not distinguish this land use based on the type of products being sold.

There are no land use impacts to distinguish between a retail store that sells guns and a store selling other products. As such, staff are not recommending a zoning by-law amendment to regulate the sale of guns or ammunition. Given that many retail stores sell a wide-variety of products, it would also be difficult to enforce a prohibition on one product. A zoning by-law amendment approved by Council in October 2008 already prohibits new shooting ranges, the manufacture of firearms, and the warehousing of firearms and ammunition as a principal use.

### **Review of Firework Regulation to Regulate Sale of Ammunition**

Council directed that City staff explore whether ammunition sales could be regulated in a manner similar to fireworks (CC44.14, Recommendation 26; MM38.8, Recommendation 2).

A comparison between the regulation of fireworks and the regulation of ammunition confirms that there are significant differences whereby the sale of ammunition cannot be regulated in the same manner as fireworks. The City's ability to regulate various aspects of the sale of fireworks stems from explicit recognition of this authority in both federal and provincial legislation, however a similar recognition of City authority regarding ammunition is not included in applicable federal and provincial legislation.

Specifically, the Province has delegated its authority to regulate the sale and discharge of fireworks to municipalities. Under the *Municipal Act, 2001*, municipalities other than the City have specific authority to regulate the sale and setting off of fireworks. This authority is continued for the City of Toronto under s. 6(2) of the *City of Toronto Act, 2006* which provides generally that the City has all the powers it had under *Municipal Act, 2001*. Furthermore, the federal *Explosives Act* acknowledges a local municipality's ability to regulate fireworks.

This is in contrast to the federal legislation which governs ammunition. The *Firearms Act*, in conjunction with the *Explosives Act*, does not acknowledge any provincial or municipal powers. Hence, unlike for fireworks, the legislation surrounding ammunition does not give authority for the Province or City to regulate.

### **3. Licensed Businesses with Known Incidents of Gun Violence**

City Council directed staff to review the enforcement measures available to the City under the *City of Toronto Act, 2006*, to deter illegal criminal activity in a comprehensive and coordinated manner, and address issues where crime is known or is suspected to be taking place (MM19.41, Recommendation 2).

As noted above, the *City of Toronto Act, 2006* authorizes the City to license businesses and enact by-laws with respect to the health, safety and well-being of persons and consumer protection. The Municipal Licensing and Standards Division (MLS) investigates complaints related to licensed businesses. However, if complaints are of a nature outside the confines of the City of Toronto Municipal Code (for example, general misconduct, sexual assault, or incidents of gun violence), the Toronto Police Service (TPS) and any other relevant partners will investigate the issue, and engage MLS as appropriate.

*The City of Toronto Act, 2006* and the Toronto Municipal Code, Chapter 545, Licensing, provide MLS with tools to address issues with licensed businesses. For example, section 4C of Chapter 545 enables MLS to deny the issuance or renewal of a licence under certain conditions. The *City of Toronto Act, 2006* enables the City to temporarily suspend a business licence for up to 14 days, without a hearing, if it believes that the continuation of that business poses an immediate danger to the health or safety of any person or to any property. The law requires there to be a direct nexus between the business operation itself and the health and safety issue that gives rise to the use of these authorities. Decisions to temporarily suspend a business are considered very seriously, and are weighed against other considerations and consequences. As a result, this power has only been exercised twice in the past seven years. The City of Toronto, through MLS, does not have the authority to revoke a business licence. The final determination of the status of a business licence rests solely with the Toronto Licensing Tribunal (TLT).

The TLT is an independent, quasi-judicial body that is responsible for making independent decisions on hearings that are brought before it. If MLS has concerns about the conduct of a current business licensee or an applicant for a business licence which engages 545-4-C(1) of the Municipal Code, such as concerns that the business has not, or will not, be carried out in accordance with the law or with honesty and integrity, MLS may bring the business licensee or business licence applicant to the TLT, who will then consider whether the licence should be issued, suspended, revoked, or have conditions placed upon it. In making a decision, the Tribunal must balance the protection of the public interest with the licensee's need to make a living.

Several City divisions work cooperatively to address issues with licensed establishments. For example, some City divisions such as Toronto Fire Services, Toronto Public Health, and Municipal Licensing and Standards, may conduct periodic inspections of licensed businesses to fulfill their mandate. Throughout the course of an inspection conducted by any City division, any potential issues outside the scope of the inspection are communicated to the appropriate City division, the Toronto Police Service and/or any other relevant agencies for further action.

#### **4. Gun Amnesty/Buy-back Program**

Council directed staff to report back on the establishment of a Gun Amnesty/Buy-back program for the City of Toronto (CC44.14, Recommendation 24).

A gun amnesty/buy-back program offers money or gifts in exchange for firearms, and offers limited amnesty for infractions of *Firearms Act* regulations related to possession and storage of firearms. Any program that allows for unwanted firearms to be turned over to authorities reduces the chances of that firearm being used for a crime, suicide, accident or other violent action. In some cases, members of the public come into possession of a gun through a relative, or cease to collect firearms, and wish to dispose of them in safe manner to reduce their personal risk. A gun buy-back program promotes the option to safely surrender a firearm, and provides an incentive to do so. In the last 15 years, Toronto has implemented five gun buy-back programs.

A new gun buy-back program was launched on April 26, 2019 by the Chief of the Toronto Police Service (TPS) and the Mayor. The program was administered by the TPS, and the City provided program funding including financial incentives to residents who surrendered operational guns. Residents received \$200 for every long gun surrendered, and \$350 for every hand gun surrendered.

Toronto residents in possession of an unwanted unregistered and registered guns were encouraged to contact the TPS's non-emergency number to arrange for an officer to retrieve the gun. Once the gun had been surrendered to TPS, the owner was issued with a property receipt. Guns were documented, recorded in a database and examined to determine if they were used in the commission of a crime. Upon determination that the firearm was not used in the commission of a crime, TPS forwarded the buy-back incentive in the form of a pre-paid bank card to the individual who surrendered the gun.

The program ran from April 26 to May 17, 2019. Through the program, TPS collected approximately 3,300 firearms in total, including 1,000 handguns, and 2,300 long guns. This is the largest number of firearms surrendered through a Toronto gun buy-back program to date. TPS is currently researching each firearm to determine if it could be considered evidence in court and/or identified as unique, antique or of educational or historical value.

The gun buy-back program supplemented the TPS' existing program which accepts unwanted firearms from the public as part of its regular service. This service operates year-round, but does not offer an incentive for surrendered firearms and ammunition.

## **5. Seize-and-Destroy Procedures**

Council requested staff to report back on the implementation of a firearm seize-and-destroy procedure by the TPS, Ontario Provincial Police and the Province of Ontario to destroy illegal guns and ammunition seized and confiscated by law enforcement agencies (MM44.6, Recommendations 1 and 2).

The establishment of seize and destroy procedures are not needed as the TPS currently has procedures for the destruction of firearms and ammunition which are seized and/or confiscated. The TPS will test any seized firearms and/or ammunition and will investigate them accordingly. If the firearms and/or ammunition are considered evidence, they will be held as evidence throughout court proceedings. Once an investigation and any court proceeding including appeals is complete, and/or when the item(s) no longer need to be retained by TPS or the courts, the TPS will ensure their proper disposition in one of three possible ways:

- Where the item was used in a crime, the courts will order the firearm and/or ammunition forfeited and destroyed. The destruction of the item(s) is handled by the TPS. This is the most common disposition.
- In the rare cases where the gun and/or ammunition was stolen and recovered, the item(s) are returned to the legal owner. If there is no known legal owner, or the legal owner cannot be contacted or does not wish to reclaim the gun and/or ammunition, it is destroyed.

- Where the firearm and/or ammunition is considered unique, an antique or of educational or historical value, the item(s) will be diverted through the Alternative Disposal Program, and retained by the Centre of Forensic Sciences or the TPS. These items will never enter into the public domain for resale.

In 2018, TPS seized 2,300 guns, 831 of those were deemed “illegal” or crime guns. The Ontario Provincial Police follow a procedure similar to that of the TPS.

## **6. Shooting Ranges**

Council requested staff to investigate whether shooting ranges in Toronto operated by gun clubs were operating legally (CC44.14 Recommendation 29), and that the Director of Real Estate Services and the General Manager, Shelter, Support Housing and Administration explore the feasibility of acquiring and repurposing them for civic purposes (CC44.14, Recommendation 30).

There are currently five shooting ranges in the City. Two of the five are associated with the TPS, and one is owned by a private security company (Brinks). The remaining two ranges are operated by local gun clubs. As they were in existence before the introduction of the City's Zoning By-law for shooting ranges in 2008, they were "grandfathered" and are considered legal non-conforming uses. These shooting ranges are licensed by the Chief Firearms Officer of Ontario, and operate legally.

One gun club range is operated by the Toronto Estonian Rifle and Pistol Club, and is located at 958 Broadview Avenue. The Club rents its space from the Toronto Estonian House, which owns the building. The Toronto Estonian House has publicized its intention to sell its current property, and has submitted an application to build at a new location. The gun club is not included in its development plans. The future owner is proposing to develop 958 Broadview Avenue for a seniors' residential building.

The other gun club range is operated by the Toronto Revolver Club. The Club owns the building at 1 Gower Street out of which it operates the shooting range. The General Manager, Shelter, Support Housing and Administration has advised that there is no interest in this site at this time.

## **7. ShotSpotter Technology**

Council directed City staff to report to Council on any privacy issues related to ShotSpotter Technology unresolved to the satisfaction of the Ontario Information and Privacy Commissioner, and the effectiveness of the technology (CC44.14, Recommendations 15 and 16).

On February 14, 2019, the Toronto Police Chief announced publicly that the TPS were no longer looking to acquire the ShotSpotter technology. As the proposal was not moving forward, City staff took no further action.

## Conclusion

A robust federal licensing regime for firearms and ammunition, supplemented by some related provincial legislation is already in place. As the City cannot conflict with or frustrate current federal or provincial legislation, it has little jurisdiction in this area. Recognizing the City's limited authority, Council has made a number of requests to both the federal and provincial governments that if granted would significantly enhance the regulation of firearms and ammunition.

## CONTACT

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Carleton Grant, Executive Director, Municipal Licensing and Standards  
Phone: 416.392.8445, Email: [Carleton.Grant@toronto.ca](mailto:Carleton.Grant@toronto.ca)

Gregg Lintern, Chief Planner and Executive Director, City Planning  
Phone: 416.392.8772, Email: [Gregg.Lintern@toronto.ca](mailto:Gregg.Lintern@toronto.ca)

Chris Brillinger, Executive Director, Social Development, Finance and Administration  
Phone: 416.392.5207, Email: [Chris.Brillinger@toronto.ca](mailto:Chris.Brillinger@toronto.ca)

Nick Simos, I/Director, Real Estate Services  
Phone: 416.392.7223, Email: [Nick.Simos@toronto.ca](mailto:Nick.Simos@toronto.ca)

Lisa Pasternak, Solicitor, Legal Services  
Phone: 416.392.1204, Email: [Lisa.Pasternak@toronto.ca](mailto:Lisa.Pasternak@toronto.ca)

Sandra Rodriguez, I/Director, Strategic and Corporate Policy  
Phone: 416.392.3832, Email: [Sandra.Rodriguez@toronto.ca](mailto:Sandra.Rodriguez@toronto.ca)

## SIGNATURE

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Chris Murray  
City Manager

## ATTACHMENTS

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Attachment 1: Council Directions - Gun-related Regulation and Programs

Attachment 2: Summary of Firearm Legislative Framework

Attachment 3: Scan of Local Government Actions to Regulate Firearm and Ammunition Activities