



City of Toronto Municipal Code Chapter 545, Licensing By-law Updates

Date: September 23, 2019

To: General Government and Licensing Committee

From: Executive Director, Municipal Licensing and Standards

Wards: All

SUMMARY

This report is part of a larger multi-phase initiative involving a review of Chapter 545, Licensing.

This report proposes further amendments aimed at improving Chapter 545, Licensing by streamlining and simplifying the By-law, and reducing regulatory burden for businesses; updating and modernizing the By-law to ensure alignment with other legislation and regulation; and enhancing the readability and consistency of the By-law.

The current phase of review includes a number of proposed amendments, including:

1. Updating the By-law to reflect changes to Ontario's *Health Protection and Promotion Act (HPPA)*. The *HPPA*, and in particular the new regulation for Food Premises (Reg 493/17), now provide the necessary legislative authority for TPH and the Medical Officer of Health to undertake activities to maintain food safety in establishments serving and preparing food. This report recommends updates that would remove regulatory duplication.
2. Seeking delegated authority to set screening criteria for licence applicants, and to amend them as necessary, as well as to issue interpretation bulletins. This would allow staff to streamline the current thresholds, simplifying the criteria and making them more adaptable and responsive to changing business and legislative environments.
3. Various technical amendments to clean-up the By-law and reduce duplication and unnecessary regulatory burden.

Toronto Public Health and Legal Services were consulted in the preparation of this report.

RECOMMENDATIONS

The Executive Director, Municipal Licensing and Standards recommends:

1. City Council amend Toronto Municipal Code, Chapter 545, Licensing, as follows:

Update of Food-Related Provisions

a. Adopt a new definition for Food, subject to such technical and stylistic amendments as required by the City Solicitor and the Executive Director, Municipal Licensing and Standards, as follows:

Food – food or drink for human consumption, and includes an ingredient of food or drink for human consumption.

b. Delete all references to the phrase "food or drink" and replace them with the word "food".

c. Move the definitions of Food Safety Inspection Notice and Food Safety Inspection Report found in Article X Food Establishments and the definition of Eating or Drinking Establishment found in 545-157D to 545-1 Definitions to improve the readability of Chapter 545.

d. Delete requirements of food establishments that are now regulated by the province or which no longer have a municipal purpose including those relating to the supervision of dining rooms, number of attendants, waste containers, server clothing restrictions, posting of food safety inspection notices, posting of business licences next to food safety inspection notices, notifying Municipal Licensing and Standards of changes to the food safety risk level of the business, food handler certification, the accreditation of food handler training programs, and the posting of procedures to assist choking victims.

e. Delete definitions that relate to requirements of food establishments that are now regulated by the province, replaced, or which no longer have a municipal purpose, including: accredited programs, certified food handlers, eating or drinking establishment (in 545-157E), food handlers, food handler certificates, food or drink, hazardous food, high-risk premises, low-risk premises, medium-risk premises, photo identification card, serving persons, and specified body areas.

f. Delete requirements of food establishments and other provisions found in Article X Food Establishments that relate specifically to licences held by corporations or partnerships.

g. Require that the remaining provisions of Article X Food Establishments apply to the owners or operators of businesses captured under that article.

By-law Clean-up

h. Adopt the following general definitions, subject to such technical and stylistic amendments as required by the City Solicitor and the Executive Director, Municipal Licensing and Standards, as follows:

Owner – Any person who owns a business premises, or vehicle, as the context requires, except as the term is otherwise defined within this chapter in which case that definition shall prevail."

Operator – Any person who alone or with others operates, manages, supervises, runs, or controls a business, premises, or vehicle, as the context requires, and "operate", "operation" and other like words shall be given a corresponding meaning.

DRIVER – The driver of a vehicle, including an owner who drives his or her own vehicle.

i. Delete the specific definitions of Owner, Operator, Driver and Keeper found in Articles: II, III, V, XX, XXII, XLII, XLIV, XLV, and XLVI.

j. Delete all references to the word "keeper" in Chapter 545, Licensing and replace with the word "operator", and deem the existing holders of a "keeper" licence, for their remaining term, to hold an "operator" licence of the same class.

k. Delete the definitions of Instructor and to Solicit and Passenger.

l. Delete all references to "wagon" in Chapter 545-229, 231 in Article XVIII, Laundries and Chapter 545-224, 226, 227, 229, 231, 277 in Article XVII, Hawkers and Pedlars and delete 545-224A. in Article XVII, Hawkers and Pedlars.

m. Delete Chapter 545-199, 200, and 201 in Article XIII, Sale of Tobacco Products.

n. Add "e-cigarette" to 545-208(G) to prohibit a School Bus Driver from using e-cigarettes while driving a school bus.

o. Delete Part C. of the definition of Holistic Services and delete the definitions of Acupuncture and Traditional Chinese Medicine as well as all references to these terms in Chapter 545, Licensing.

p. Include the same provisions found in Chapter 546, Article I, General Provisions, subject to such technical and stylistic amendments as required by the City Solicitor and the Executive Director, Municipal Licensing and Standards, except for:

- 546-1 (Definitions)
- 546-2 (Licence requirements)
- 546-13 (General provisions applicable to vehicle-for-hire and PTC drivers).

q. Delete Chapter 545-5, General Provisions, except for:

- 545-3 (Toronto Licensing Tribunal)
- 545-4B(5) (Multi-year licence renewals)
- 545-5D (Guide dog provisions),

- 545-5G and 545-5H (Cigarette cleanup and disposal provisions).
- 545-4A(2)(3)(4) (Pre-payment of BRP fees)
- 545-4P (Endorsement provisions),
- 545-5J (Provisions related to selling near the CNE), and
- 545-7D (Provisions allowing for imprisonment for violating licence requirement for Body-rub Parlours/Adult Entertainment Club owners)

r. Adopt a new provision to require all licensees under Chapter 545, Licensing to notify Municipal Licensing and Standards within 48 hours of any change to their address on record with Municipal Licensing and Standards and delete the following specific requirements that will then be redundant: 545-12A(5); 545-172;545-208J; 545-339; 545-372, 545-436, and 545-509.

s. Delete Appendix J, Notice, *Consumer Protection Act* of Chapter 545, Licensing.

t. Delete 545-8 Transitional provisions.

u. Delete the definition of Drive Self Cartage Vehicle.

v. Delete section 545-2A(39), pertaining to second hand goods.

Screening Criteria

2. City Council delegate to the Executive Director, Municipal Licensing and Standards, the authority to establish policies and guidelines with respect to the business licensing requirements in Chapter 545, Licensing and to establish thresholds for criminal and background screening and other standards applicable to the issuance and renewal of all business licences under Chapter 545, Licensing and City Council delete Appendix K, Business Licensing Thresholds of Chapter 545.

Implementation

3. City Council authorize the City Solicitor to make such stylistic and technical changes to the bill to amend Chapter 545, Licensing as may be required for the recommendations to take effect, including reorganizing provisions and amending section headings as appropriate.

4. City Council direct that the proposed changes come into force on the day they are enacted.

FINANCIAL IMPACT

There are no immediate financial impacts beyond what has already been approved in the current year's budget.

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

DECISION HISTORY

On January 14, 2019, General Governance and Licensing Committee received [Comprehensive Review of Business Licensing - Update](http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.GL1.8) (http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.GL1.8), outlining upcoming stages of a broad modernization of business licensing in Chapter 545, Licensing.

At its meeting of June 10, 2015, City Council adopted [Amendments to Chapter 545, Licensing -- Results of Phase 1 of the Comprehensive Review](http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.LS4.2) (http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.LS4.2), amending General Licensing Provisions to better reflect the Ontario Human Rights Code and the Accessibility for Ontarians with Disabilities Act, 2005; it also approved various amendments to the definitions and license requirement classes and other various fee and renewal provisions with a view to streamlining the licensing scheme.

At its meeting May 25, 2015, Licensing and Standards Committee adopted the [Framework for the Comprehensive Review and Modernization of Chapter 545, Licensing](http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.LS4.1) (http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.LS4.1), requesting that the Executive Director to report back to the Licensing and Standards Committee with recommendations on a comprehensive review of Chapter 545, Licensing.

At its meeting of January 21, 2015, the Licensing and Standards Committee adopted [A Comprehensive Review of Chapter 545 of the Municipal Code, Licensing](http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.LS1.5) (http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.LS1.5), directing staff to prepare a report, with recommendations on a comprehensive framework review of Chapter 545, Licensing of the Municipal Code and to ensure that the City's regulatory regime aligned with the current business environment.

At its meeting of March 19, 2013, Licensing and Standards Committee adopted [Taxicab Safety Issues --Request for Report](http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.LS19.8) (http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.LS19.8), and directed staff to review and report back on Chapter 545, Licensing, Appendix K, Business Licence Thresholds, and any changes that will improve consumer protection; the health, safety and well-being of taxicab passengers and the general public; and the economic, social and environmental well-being of the City.

COMMENTS

Since 2015, Municipal Licensing and Standards (MLS) has been changing how its business is conducted. This involves updating its business processes and technology systems to enhance the division's ability to deliver effective, efficient, and professional services.

Due to the changing nature of businesses and the number of existing business licence categories, the review of business licensing is being conducted in stages. Work completed to-date includes the removal of obsolete definitions in Chapter 545,

Licensing (2015), the creation of Chapter 546, Licensing of Vehicles-for-Hire (2016), the review of Tow Truck regulations (2017), the creation of Chapter 547, Licensing and Registration of Short-term Rentals (2017), and the review of the Vehicle-for-Hire By-law (2019).

In continuation of the multi-phased review, this report proposes further amendments aimed at improving Chapter 545, Licensing by streamlining and simplifying the By-law, and reducing regulatory burden for businesses; updating and modernizing the By-law to ensure alignment with other legislation and regulation; and enhancing the readability and consistency of the By-law.

Update of Food-Related Provisions

Regulations in Chapter 545, Licensing

Municipal regulations for food-related businesses are laid out in Chapter 545, Licensing. Under this chapter, a business licence is required for all persons that sell, food or drink for the public. This requirement applies to any business where food is the primary use such as a restaurant, or a secondary use such as a pharmacy that also sells food or drink. There are approximately 14,723 businesses that hold a food-related endorsement on their business licence. The policies and associated regulations for these food-related businesses, including food safety requirements, are primarily found in "Article X Food Establishments (Other Than in Hotels)". These policies outline regulations pertaining to Eating or Drinking Establishments that currently include requirements to: ensure adequate supervision of dining rooms; wear clean/opaque clothing; post food safety inspection notices; post a business licence; release food safety inspection reports; notify MLS changes in food operations; notify MLS of changes to management and control of the business; ensure at least one certified food handler is present in each area of the premises; and ensure food handler programs are approved by TPH.

Toronto Public Health and Food Safety

Toronto's Board of Health, through Toronto Public Health (TPH) is charged with preventing and reducing food-borne illnesses through assessments, inspections and enforcement of all Food Premises in Toronto. This is largely implemented through the DineSafe program.

The *Health Protection and Promotion Act (HPPA)* is a provincial statute that gives Toronto's Board of Health a legal mandate to determine and set public health policy and prescribes some of the duties of medical officers of health related to Food Premises. In 2017, the Ontario Ministry of Health and Long Term Care updated provincial regulations related to Food Premises (Reg 493/17) in the *HPPA* as part of an effort to streamline and standardize food safety requirements across the province. Many of the updates were designed to cover elements that had previously only been captured in municipal by-laws. These updated regulations are structured as outcome-based requirements for Food Premises that are enforced by TPH, and include:

- The posting of public health inspection results: operators shall ensure the results of any inspection by a public health inspector is posted in accordance with the inspector's request (such as DineSafe's pass/conditional pass/closed notices).
- Operations and maintenance standards: every food premises should be operated such that it is free of conditions that may be a health hazard, adversely affect the sanitary operations of the premise, or adversely affect the wholesomeness of the food.
- Food handler training standards: requirement for at least one food handler or supervisor on the premise who has completed food handler training during every hour in which the premise is operating.
- Temperature control measures: specifically two hours as the maximum time allowable that potentially hazardous food can be out of temperature control for the preparation, processing and manufacturing of food.
- Cleaning and sanitizing standards and procedures: expanding the use of sanitizing agents by setting criteria for their use.
- Food purchase records to be kept: requires operators to retain record of food purchases for a year.
- Pest control measures: every food premise shall be protected against the entry of pests and kept free of conditions that lead to harbouring or breeding of pests.

The *HPPA*, and in particular the new regulation for Food Premises (Reg 493/17), now provide the necessary legislative authority for TPH and the Medical Officer of Health to undertake activities to maintain food safety in establishments serving and preparing food. TPH has made the necessary changes in their procedures to reflect the updates to the *HPPA* and Reg 493/17. With the recent *HPPA* updates, duplicative regulations within Chapter 545 are no longer required.

Reduce Duplication and Ensure Consistency with the HPPA

The updated Food Premises Regulation 493/17 of the *HPPA* described above now provide the required legislative tools necessary for TPH to maintain food safety and public health in establishments serving, storing and preparing food. The related provisions in Chapter 545, Licensing which TPH relied on prior to the *HPPA* updates are no longer required and can be deleted. Updates to the *HPPA* also resulted in some amended definitions which should be reflected in Chapter 545. Specifically, staff recommend the existing definition of Food or Drink be replaced with the following updated definition of Food:

"food or drink for human consumption, and includes an ingredient of food or drink for human consumption"

Certain provisions within Article X of Chapter 545, Licensing will be maintained as they are still needed to ensure consumer protection and health and safety, and are not otherwise duplicated under provincial rules:

- owners or operators will be required to produce the food safety inspection report for the premises to TPH and members of the public upon request; and
- owners or operators will be required to notify MLS of any change in the management or control of an Eating or Drinking Establishment.

Reduce Regulatory Burden for Businesses

Additional revisions proposed include the deletion of all other provisions related specifically to licences held by corporations or partnerships. For example, current provisions require corporations to provide detailed information about their controlling interest and share structures. This requirement is not necessary as staff already have the authority to request such information at any time under section 545-4, Licences, applications and renewals. Other provisions relate to the requirement that a licence terminate if there is a change in the controlling interest of a licensed corporation and set out the power of the Toronto Licensing Tribunal (TLT) to refuse to issue a new licence in those circumstances. These provisions are not necessary, as staff already have the general authority to refer a licence to the TLT for review at any time, and the TLT already has the power to suspend, revoke, or place conditions on any licence under section 545-6, Toronto Licensing Tribunal hearings.

Simplifying Screening Criteria

In an effort to enhance the readability and consistency of the By-law, staff propose the introduction of Screening Criteria and Interpretation Bulletins to Chapter 545, Licensing.

Chapter 545, Licensing currently sets out a series of screening thresholds, identified as Appendix K, by which individuals are assessed at the time they apply for or seek to renew a business licence. These thresholds are complex and can be difficult to navigate for staff and by individuals looking to become licensed by the City.

Staff recommend that the Executive Director, MLS be granted the authority to establish and amend screening criteria. Granting this authority to the Executive Director to develop screening criteria to replace Appendix K would allow staff to readily update the criteria and create a clearer document for applicants to navigate.

This would allow staff to streamline the current thresholds, simplifying the criteria and making them more adaptable and responsive to changing business and legislative environments. By enhancing the adaptability this change would enable staff to better respond to changes in the risk profile of various licensed activities.

In 2016, MLS undertook a review of the Vehicle-for-Hire industry which resulted in the creation of [Chapter 546, Licensing of Vehicles-for-Hire](#). This new Chapter introduced Screening Criteria for Vehicle-for-Hire licences and was based on a review and simplification of Appendix K thresholds that are contained in Chapter 545, Licensing and used to determine eligibility for a business licence. At the same time, authority was delegated to the Executive Director of MLS to issue interpretation bulletins.

Delegated authority to establish screening criteria for Chapter 545, Licensing would achieve consistency across licensing chapters. Staff expect aligning Chapter 545 and 546 would minimize ambiguity for applicants. Both Chapter 545 and 546 deal with licensing business and business activities, therefore, streamlining the application requirements would make the licence application and renewal process clearer for applicants. Attachment 1 is a draft of proposed criteria, modelled after those adopted with respect to Chapter 546, Licensing of Vehicles for Hire.

Similarly, authority to issue interpretive bulletins to assist industry participants to understand the City's interpretation of the licensing requirements, would allow MLS staff to provide business licence holders or applicants with clarity and interpretation of regulations, processes, or practices, as needed.

This tool will also allow staff to communicate to the public about how changes in laws at different levels of government affect business license holders in various business licensing categories.

By-law Clean-up

Over the years, Chapter 545, Licensing, has undergone a number of revisions. It contains references that are outdated, repetitive, and/or no longer applicable. In order to streamline the By-law and to enhance readability, staff recommend a number of amendments aimed at updating the By-law and enhancing its overall readability.

Streamlining Definitions

There are currently multiple similar definitions of "Owner", "Operator", and "Driver" (e.g.: tow truck driver) across different articles of the By-law (see below). In an effort to streamline the By-law to enhance readability, staff recommend the following common definitions be adopted:

- Owner: Any person who owns a business premises, or vehicle, as the context requires, except as the term is otherwise defined within this chapter in which case that definition shall prevail.
- Operator: Any person who alone or with others operates, manages, supervises, runs, or controls a business, premises, or vehicle, as the context requires, and "operate", "operation" and other like words shall be given a corresponding meaning.
- Driver: The driver of a vehicle, including an owner who drives his or her own vehicle.

These would replace the need for article-specific definitions for these terms, and therefore, staff recommend that the following definitions be deleted from the individual articles:

- Owner in: Article III, Owners and Drivers of Pedicabs; Article XXII, Public Garages; Article XLIV, Personal Service Settings; Article V, Owners and Drivers of Tow Trucks.
- Operator in: Article II, Persons Who Carry on the Business of Teaching Persons to Operate Motor Vehicles and Driving Instructors Employed in Such Business; Article XXII, Public Garages; Article XLII, Clothing Drop Box; Article XLV, Commercial Parking Lots; Article XLVI, Payday Loan Establishments; Article XLIV, Personal Service Settings.
- Driver in Article V, Owners and Drivers of Tow Trucks and Article III, Owners and Drivers of Pedicabs.
- Keeper in Article XX, Pet Shops.

To enhance clarity, staff also recommend replacing all uses of the word "keeper" with the word "operator" and that "operator" be interpreted in accordance with the proposed common definition of operator (see above) in Chapter 545, Licensing. This amendment would ensure that Chapter 545, Licensing is as internally consistent as possible.

Currently, some licence requirements in Chapter 545, Licensing apply to the "keeper" of businesses while others apply to "operator". However, no distinction between the two terms was ever intended, as they both refer to individuals who manage, control, or operate a business. To avoid any impact on the holders of licences issued to a "keeper", these would be deemed to be an "operator" licence of the corresponding type.

In addition, staff recommend that the following redundant definitions be deleted from the By-law articles as they are not required to understand the meaning of the By-law:

- Instructor in Article II, Persons Who Carry on the Business of Teaching Persons to Operate Motor Vehicles and Driving Instructors Employed in Such Business
- To Solicit in in Article III, Owners and Drivers of Pedicabs
- Passenger in Article III, Owners and Drivers of Pedicabs

Other Amendments

In addition to streamlining the definitions, staff propose the following amendments in an effort to clean-up the By-law and enhance its navigability.

Table 1: By-Law Chapter 545, Licensing Amendments and Rationale

By-Law Amendment	Rationale
Delete the definition of Drive Self Cartage Vehicle in 545-1 Definitions	There is no longer a licensing requirement in Chapter 545 related to Drive Self Cartage Vehicles. The licensing requirement was deleted in a previous review.
Delete Chapter 545-2(39) licensing requirement for those engaging in the business of dealing in second-hand goods in or from a salvage yard/shop/store or other place in 545-2 Licence requirement.	This licensing requirement is duplicative of existing licensing requirements for Salvage Shops and Yards as well as Second Hand Goods Stores/Shops in 545-2(35), (36), and (38).
Amend section 545-208G in Article XV, School Bus Drivers to prohibit drivers from using electronic cigarettes in school buses.	This amendment is intended to align the By-law with sections: 17(1) and 12(1) and (2) of the SFOA which prohibit smoking and vaping in vehicles carrying children, in public places, and in workplaces.

By-Law Amendment	Rationale
Delete sections 545-199 and 200 in Article XIII, Sale of Tobacco Products.	These regulations require a licence for vending machines dispensing tobacco products and regulate the location of and supervision over vending machines dispensing tobacco products. These provisions are now inconsistent and redundant with section 10 and 21 of the <i>SFOA</i> , which prohibit vending machines dispensing tobacco products in places accessible to the public.
Delete section 545-201 Article XIII, Sale of Tobacco Products deleting 545-201	This regulation requires the posting of signage concerning the minimum age of purchasers of tobacco products, which is redundant with sections 12 to 18 of the <i>SFOA</i> , which also require similar signage.
Delete part C (Traditional Chinese Medicine and Acupuncture), in the definition of Holistic Services and delete the definitions and all references to these terms in Chapter 545.	<p>Part C of the Holistic Services definition is now redundant due to changes in provincial law. "Medical or therapeutic treatment performed or offered by persons otherwise duly qualified, licensed or registered to do so under the laws of the Province of Ontario" in B now captures traditional Chinese medicine and acupuncture as Schedule 1 of the Regulated Health Professions Act (1991) now lists these as one of many "self-governing health professions".</p> <p>The terms "traditional Chinese medicine" and "acupuncture" are not used in Chapter 545 other than this definition and are therefore not needed.</p>
Delete reference to "wagon" in Article XVIII, Laundries and Article XVII, Hawkers and Pedlars.	"Wagon" is an antiquated term that no longer reflects the nature of the businesses of selling or collecting items door-to-door or on the street. As such, it can be deleted because it no longer serves a municipal purpose.
Delete section 545-224(A) (Photograph and other application requirements) in Article XVII, Hawkers and Pedlars.	<p>This section requires an applicant for a licence to submit photographs to the licensing office and outlines the required documentation.</p> <p>This requirement is redundant with 545-4, Licences, applications and renewals which gives staff the ability to require the documents needed to process applications for all licences. This article specific requirement no longer reflects what is collected during the licensing process and as a result, it is confusing for applicants.</p>

By-Law Amendment	Rationale
<p>Import the provisions found in Chapter 546, Article I, General Provisions, except for:</p> <p>546-1 (Definitions). 546-2 (Licence requirements). 546-13 (General provisions applicable to vehicle-for-hire and PTC drivers).</p> <p>Delete Chapter 545-5, General Provisions, except for: 545-3 (Toronto Licensing Tribunal). 545-4B(5) (Multi-year licence renewals). 545-5D (Guide dog provisions). 545-5G and 545-5H (Cigarette cleanup and disposal provisions). 545-4A(2)- (4) (Pre-payment provisions of BRP fees). 545-4P(Endorsement provisions). 545-5J (Provisions related to selling near the CNE) and 545-7D (Provisions allowing for imprisonment for violating licence requirement for BRP/AEC owners).</p>	<p>Chapter 546 general provisions 546-3 – 546-12 are identical in effect to the general provisions in Chapter 545. General provisions of Chapter 546 were modelled after the general provisions in Chapter 545, but reorganized and rewritten to be easier to navigate and more user-friendly. Staff recommend that these simplified Chapter 546 general provisions be replicated in Chapter 545, which will improve its readability and also increase consistency among the City's licensing by-laws.</p> <p>Certain sections of the General Provisions of Chapter 546, as listed, are not applicable to Chapter 545 and should not be adopted.</p> <p>Staff also recommend that select general provisions of Chapter 545 be retained, as outlined, as they are unique to Chapter 545 and are specific to its business licences.</p>
<p>Add a new general requirement that all licensees under Chapter 545 notify MLS within 48 hours of change in address and delete duplicative requirements in individual articles: driving instructors (545-12A(5)); holistic centre owners and practitioners (545-172); school bus drivers (545-208J); plumbing contractors and drain contractors (545-372), chimney repairmen / building renovators (545-436), and driveway paving contractors (545-509).</p>	<p>Currently, some licensees under Chapter 545 are required to notify MLS within 48 hours of a change in address while other licensees are not. This information is helpful as it assists staff in maintaining relevant and up-to-date records of businesses and in enforcement. These amendments would enhance the consistency of licence requirements across all licensees.</p>
<p>Delete Appendix J, of Chapter 545, <i>Consumer Protection Act</i>.</p>	<p>This Appendix cites provisions of the <i>Act</i> but the <i>Act</i> is no longer referenced in the By-law as a result of amendments over the years. As a result, Appendix J is no longer needed.</p>
<p>Delete 545-8, Transitional provisions.</p>	<p>These provisions were introduced when Chapter 545 replaced By-law 20-85 of the former Municipality of Metropolitan Toronto. They are no longer required, however, as the transition to Chapter 545 is now complete.</p>

Next Steps

The changes proposed in this report represent an important component of the process to modernize business licensing.

Staff will review the remaining business licensing regulations under Chapter 545 and identify areas that can be further updated and streamlined, and report back throughout 2020. This will also coincide with a review of the TLT's mandate and powers in 2020.

As well, MLS will undertake a review of Bars, Restaurants, Nightclubs jointly with City Planning and in collaboration with Economic Development and Culture in responding to City Council's July 16, 2019 directive to review of zoning and business licensing regulations related to venues that regularly present live music.

Further review of this Chapter will apply a risk-based lens to business licensing. A risk-based approach involves an analysis of both quantitative variables and first principles to assess the level of risk inherent to a given business' activity. Based on risk posed, staff will explore the use of a more tailored approach to enforcement and licensing processes in conjunction with any proposed changes to the TLT. This approach aims to reduce regulatory burden for low-risk businesses while balancing compliance with the licensing regime and efficient use of resources.

CONTACT

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SIGNATURE

Carleton Grant
Executive Director, Municipal Licensing and Standards

ATTACHMENTS

Attachment 1 - Proposed Screening Criteria, Chapter 545

ATTACHMENT 1 - PROPOSED SCREENING CRITERIA, CHAPTER 545

Municipal Licensing and Standards (MLS) shall deny an application for, or the renewal of, any licence issued under Toronto Municipal Code, Chapter 545 where the applicant has:

a) Been convicted of a sexual offence against a minor or a person with a disability under any of sections 151 to 153.1, 160(3), 163.1, 170 to 171.1, or 172.1 to 173(2) of the *Criminal Code*.

b) Been convicted of any sexual offence under the *Criminal Code* in the preceding ten years.

c) Been convicted of an offence under the following *Criminal Code* sections in the preceding five years:

i. 84 to 117.15 (Firearms and Other Weapons);

ii. 264 to 286.1 (Offences Against the Person);

iii. 321 to 378 (Offences Against Rights of Property);

iv. 379 to 462 (Fraudulent Transactions, Wilful and Forbidden Acts of Certain Property, Offences Relating to Currency); or

v. 462.3 to 462.5 (Proceeds of Crime).

d) Been convicted of an offence under the following *Criminal Code* sections:

i. 83.01 to 83.33 (Terrorism);

ii. 219 to 248 (Major Offences Against the Person); or

iii. 267, 268, 270.01, 270.02, 272, 273 (Major Assaults or Major Sexual Assaults).

e) Been convicted of an offence under the following *Controlled Drugs and Substances Act* sections in the preceding ten years:

i. 5 (Trafficking);

ii. 6 (Importing and exporting);

iii. 7 (Production); or

iv. 7.1 (Possession for use in production or trafficking).

f) Been convicted of any offence under section 4 (Possession or obtaining) of the *Controlled Drugs and Substances Act* in the preceding five years.

g) Been convicted of five or more by-law offences under Chapters 545, 546, or 547 of the *Toronto Municipal Code* in the preceding three years.

h) Any overdue by-law fines, unless the applicant provides proof that such fines have been subsequently paid.

MLS shall deny an application for, or the renewal of, any licence issued under *Toronto Municipal Code*, Chapter 545 for which a licensee is required to hold a valid provincial driver's licence where the applicant has:

i) Been convicted of any offence under sections 249 to 249.4, 252, 253, 254, or 255 of the *Criminal Code* (Motor Vehicles, Vessels, and Aircraft) in the preceding five years.

j) Accumulated nine or more demerit points on his or her driving record abstract at the time the application for a licence or renewal is made.

k) Been convicted of any of the following offences under the *Highway Traffic Act* in the preceding five years:

i. Careless driving;

ii. Racing or stunt driving;

iii. Exceeding the speed limit by 50 km/hour or more;

iv. Failing to stop for a school bus or when signaled or asked by a police officer;

v. Failing to remain at the scene of an accident; or

vi. Driving while licence suspended or prohibited from driving.

For the purposes of these screening criteria, the term "applicant" shall include:

A. The applicant, and where the applicant is a corporation or partnership, any officers, directors, or partners of that corporation;

B. Any other businesses of the applicant that are licensed or required to be licensed under the *Toronto Municipal Code*; and

C. Any prior business of the applicant that was licensed or required to be licensed under the *Toronto Municipal Code*.

For licences that stipulate a business location, the number of by-law convictions shall be determined only with respect to the licence for the location or locations to which the by-law offence or offences relate.

Despite these screening criteria, if a licence has been previously issued or renewed by MLS and the applicant's record discloses no new breach of these screening criteria,

MLS may issue or renew the licence without referring the matter to the Toronto Licensing Tribunal.

These screening criteria do not apply to any conviction for which an applicant has been granted a criminal record suspension (i.e. a pardon) by the Parole Board of Canada.