

Toronto Licensing Tribunal 2021 Annual Report

Date: April 12, 2022

To: General Government and Licensing Committee

From: Executive Director, Municipal Licensing and Standards

Wards: All

SUMMARY

In accordance with the Relationship Framework approved by City Council for the Toronto Licensing Tribunal, the Chair's 2021 Annual Report is being communicated to the General Government and Licensing Committee for information.

The Toronto Licensing Tribunal (the Tribunal) is an independent quasi-judicial body comprised of seven citizens chosen by City Council for a four-year term. The Tribunal receives administrative support from the City of Toronto's Court Services Division. The Tribunal makes decisions about business licensing matters that are brought forward by Municipal Licensing and Standards (MLS), or at the request of a licence holder or applicant, in accordance with Toronto Municipal Code Chapter 545, Licensing, Chapter 546, Licensing of Vehicles-for-Hire, and Chapter 547, Licensing and Registration of Short-term Rentals.

In 2021, the Toronto Licensing Tribunal scheduled 219 appearances before a hearing panel. There were 53 hearing dates, which included 51 electronic hearing dates and two written hearing dates. There were no hearing dates in-person. In 2021, the top licence types that came before the Tribunal were: Tow Truck Drivers Licences, Taxicab Owner's Licences, and Vehicle-For-Hire Driver's Licences.

As indicated in the Toronto Municipal Code and the Relationship Framework for the Toronto Licensing Tribunal, the Annual Report contains recommendations of the Chair for improvements or changes to the Toronto Licensing Tribunal policies and procedures. There are two recommendations for 2021, one of which is an extension of recommendation made in the 2020 Annual Report.

RECOMMENDATIONS

The Executive Director, Municipal Licensing and Standards recommends that:

1. The General Government and Licensing Committee receive the Toronto Licensing Tribunal Chair's 2021 Annual Report, as contained in Attachment 1, for information.

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 November 2, 2021, General Government and Licensing Committee received for information [GL27.20: Toronto Licensing Tribunal 2020 Annual Report](http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.GL27.20) (<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.GL27.20>).

On November 2, 2020, General Government and Licensing Committee received for information [GL17.7: Toronto Licensing Tribunal 2019 Annual Report and Update on 2018 Recommendations](http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.GL17.7). (<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.GL17.7>).

On October 7, 2019, General Government and Licensing Committee received for information [GL8.18: Toronto Licensing Tribunal 2018 Annual Report](http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.GL8.18). (<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.GL8.18>).

On June 14, 2018, Licensing and Standards Committee received for information [LS26.1: Toronto Licensing Tribunal 2016 and 2017 Annual Reports](http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.LS26.1) (<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.LS26.1>).

COMMENTS

The Toronto Licensing Tribunal is an independent, quasi-judicial body consisting of seven citizens chosen by Toronto City Council (six members and one Chair) for a four-year term. The Tribunal conducts hearings and renders decisions on the refusal, granting, suspension or imposition of conditions on licences where an applicant or licensee appeals a staff decision or MLS staff seek enforcement of the requirements of a licence.

The Tribunal receives administrative support from the City's Court Services Division. Hearings are open to the public and are scheduled every Thursday, unless otherwise noted. The Tribunal conducts itself in accordance with the *Statutory Powers Procedure Act* and its members are bound by the *Municipal Conflict of Interest Act*.

The Tribunal has the authority to:

- Approve or refuse an application for a licence;
- Approve or refuse the renewal of a licence;
- Place conditions on a licence; or
- Suspend or revoke a licence.

A wide variety of businesses operating in the City of Toronto must obtain a licence from the City's Municipal Licensing & Standards Division (MLS). MLS licenses stationary businesses such as restaurants, public garages, and commercial parking lots, as well as mobile businesses such as vehicles-for-hire, tow truck drivers and owners, and driving instructors.

MLS may refer a licence to the Tribunal for a hearing if the licensing by-law or any other law has been breached, as well as refuse to issue or renew a business licence because the licensee has exceeded the business licensing thresholds as a result of *Criminal Code*, *Highway Traffic Act*, or by-law convictions. Those who have made an application for a business licence, changes to an existing licence, or a renewal, and are denied by MLS may request a hearing before the Tribunal by completing and submitting a Request for Hearing form.

Decisions of the Tribunal may be the subject of an Application for Judicial Review through the Ontario Divisional Court. The Tribunal will issue written Reasons for Decision for each contested case before the Tribunal, which are posted online. In 2021, the Tribunal issued 13 written Reasons for Decision following a hearing.

The 2021 Annual Report for the period of January 1, 2021 to December 31, 2021 from Mary Lee, Chair of the Toronto Licensing Tribunal, is contained in Attachment 1.

CONTACT

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SIGNATURE

Carleton Grant
Executive Director, Municipal Licensing and Standards

ATTACHMENTS

Attachment 1 - Toronto Licensing Tribunal Chair's 2021 Annual Report