

Toronto Licensing Tribunal 2023 Annual Report

Date: May 14, 2024

To: Economic and Community Development 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 2023 Annual Report is being communicated to the Economic and Community Development Committee for information.

The Toronto Licensing Tribunal (the Tribunal) is an independent quasi-judicial body that makes decisions about business licensing matters 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, for short-term rental companies, Chapter 547, Licensing and Registration of Short-term Rentals. The Tribunal is comprised of seven citizens chosen by City Council for a four-year term, and it receives administrative support from the City of Toronto's Court Services Division. Between January to April 2023, the Tribunal operated with a complement of six members, after which more members were onboarded.

In 2023, the Toronto Licensing Tribunal scheduled 185 appearances before a hearing panel. There were a total of 49 electronic hearing dates. There were no hearing dates in-person. In 2023, the top licence types that appeared before the Tribunal were: Taxicab Owner's Licences, Tow Truck Driver'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. In the 2023 Annual Report, the Chair made recommendations to:

1. Change the layout of hearing submissions to ensure that all parties can fully participate in electronic hearings using various devices;
2. Return to the previous practice of scheduling interpreters in advance of hearing dates to support parties who require interpretation services; and

3. Formalize the Rules of Procedure for the management of Business Meetings.

RECOMMENDATIONS

The Executive Director, Municipal Licensing and Standards recommends that:

1. The Economic and Community Development Committee receive this report, for information.

FINANCIAL IMPACT

The recommendation contained in this report has no financial implications on the current budget year or future years.

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

DECISION HISTORY

On May 31, 2023, Economic and Community Development Committee received for information [EC4.5: Toronto Licensing Tribunal 2022 Annual Report](https://secure.toronto.ca/council/agenda-item.do?item=2023.EC4.5) (<https://secure.toronto.ca/council/agenda-item.do?item=2023.EC4.5>)

On April 12, 2022, General Government and Licensing Committee received for information: [GL30.18: Toronto Licensing Tribunal 2021 Annual Report](https://secure.toronto.ca/council/agenda-item.do?item=2022.GL30.18) (<https://secure.toronto.ca/council/agenda-item.do?item=2022.GL30.18>).

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 its own Rules of Procedure and 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, 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 contested cases before the Tribunal, which are posted online. In 2023, the Tribunal issued 1 Written Reasons for Decision following a hearing.

The 2023 Annual Report for the period of January 1, 2023, to December 31, 2023 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 2023 Annual Report