

City Council

Motion without Notice

MM17.16	ACTION			Ward: All
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Businesses Operating without a Licence - by Councillor Frances Nunziata, seconded by Councillor Mike Colle

** This Motion has been deemed urgent by the Chair.*

** This Motion is not subject to a vote to waive referral. This Motion has been added to the agenda and is before Council for debate.*

Recommendations

Councillor Frances Nunziata, seconded by Councillor Mike Colle, recommends that:

1. City Council direct the Executive Director, Municipal Licensing and Standards, in consultation with the City Solicitor, to identify actions the City can take, including any necessary by-law amendments, to address unsafe or dangerous activity that occurs at both licensed and unlicensed businesses in the City of Toronto, as part of the review of Chapter 545, including:

- a. a review of the grounds for the refusal of a business licence application, Chapter 545;
- b. a review of the grounds for the referral of a business licence for cancellation to the Toronto Licensing Tribunal; and
- c. requests that can be made to the Province of Ontario to improve the process for the forced closure of illegally operating businesses.

2. City Council request the Executive Director, Municipal Licensing and Standards to review the screening criteria for business licences to determine whether any changes are required to address unsafe or dangerous activity occurring at the business.

Summary

Currently the City does not have the authority to close a business solely on the basis that they do not have a licence. Under s. 86(2) of City of Toronto Act, 2006, the City has the power to temporarily suspend the licence of a business that the City already licenses, but this power to suspend a licence can only be applied in cases where there is an immediate danger to the health or safety of a person or property and can only be in effect for up to 14 days.

The City of Toronto Act, 2006 empowers a court to close a business for not having a licence if the owner is issued a Part III summons and is "convicted of knowingly carrying on or engaging in a business...without a licence required by a bylaw". In these cases, the court may order that the premises or part of the premises be closed to any use for a period not exceeding two years. If a closure order is made by the court, then the police shall bar entry to all entrances of the

premises. It is important to note that a closure order is only available where a Part III charge has been laid and the evidence establishes that the owner or occupant knew or ought to have known that a licence was required to operate the business. This power is typically reserved by courts for cases where a business has multiple convictions or poses a risk to the public. A request for such an order is at the prosecutor's discretion.

This Motion is urgent because 2 major crimes (murders) were committed at a business operating in York South-Weston without a licence within the last year.

Background Information (City Council)

Member Motion MM17.16

(<https://www.toronto.ca/legdocs/mmis/2024/mm/bgrd/backgroundfile-245045.pdf>)