

Amendments to Toronto Municipal Code Chapter 217, Records, Corporate (City)

Date: March 11, 2025

To: General Government Committee

From: City Clerk

Wards: All

SUMMARY

Under Section 201 of the City of Toronto Act, 2006, a record of the City may be destroyed if a retention period has been established and the retention period has expired, or the record is a copy of the original record. Toronto Municipal Code Chapter 217, Records, Corporate (City) provides the legislative basis on which the retention periods for City records are authorized, and Schedule A of the by-law indicates the retention schedule for each records class.

The purpose of this report is to amend the City's records retention by-law by establishing one new records retention schedule that pertains to:

- Records relating to documenting the Mayor's special powers and duties under Part VI.1 of the City of Toronto Act, 2006.

RECOMMENDATIONS

The City Clerk recommends that:

1. City Council amend Schedule A, Records Retention Schedule, in the City of Toronto Municipal Code Chapter 217, Records, Corporate (City), as set out in Appendix 1 to this report.

FINANCIAL IMPACT

There is no financial impact from the adoption of the recommendations in this report.

DECISION HISTORY

The City Clerk's Office regularly reviews the Records Retention By-law and submits proposed changes to City Council for approval as needed.

At its meeting on December 17 and 18, 2024, City Council amended Municipal Code Chapter 217, Records, Corporate (City) by establishing three new records retention schedules for records relating to declarations of office executed by members of council before they can take office to which they were elected or appointed, records relating to the application process for Councillors seeking membership to the City of Toronto Long-Term Care Committee of Management, and records relating to audio/video recordings (i.e., recorded livestreams and video conferences) produced from live meetings of City Council and Committee meetings. <https://secure.toronto.ca/council/agenda-item.do?item=2024.GG18.29>

COMMENTS

Background

The length of time a City record is required to be kept is known as the "retention period". Chapter 217, Records, Corporate (City), provides the legislative basis on which the retention periods for City records are authorized and Schedule A indicates the retention period for each records class.

This report proposes to amend the City's records retention by-law by establishing one new records retention schedule that address business requirements and emerging needs:

- **G0018 Mayoral Legislative Instruments:** The Province of Ontario, amended the City of Toronto Act, 2006 (COTA) to add a new Part VI.1 thereto which sets out special powers and duties of the Mayor, informally known as "Strong Mayor Powers". It also amended the Municipal Conflict of Interest Act to set out duties of the Mayor when they have a pecuniary interest in a matter and a power under Part VI.1 of COTA respecting that matter. A new records class was needed for documenting the Mayoral decisions and directions made under these newly granted powers, outside of the scope of Mayoral decisions related to Council and Committee proceedings. The proposed schedule sets out that these records should be kept for a five-year retention period (current year + one Council term) in an "active" (office use) phase, and then retained in inactive storage permanently, for the on-going purposes of reference and use concerning Mayoral operations.

Council Authority Needed

Council authority is needed to approve this schedule in accordance with Municipal Code, Chapter 217; § 217-5C(1)(a) for permanent retention periods, and (f) for schedules in relation to a decision or deliberation of City Council, including but not limited to proceedings.

Staff review

The proposed retention schedule was reviewed and approved by the Corporate Records Retention Committee at its meeting on March 5, 2025. The Corporate Records Retention Committee is comprised of the City Solicitor, the Internal Auditor, the Chief Technology Officer, the City Clerk, or their delegates.

CONTACT

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SIGNATURE

John D. Elvidge
City Clerk

ATTACHMENTS

Attachment 1 – Proposed Amendments to Municipal Code Chapter 217, Records, Corporate (City), Schedule A – Records Retention Schedule