

TORONTO MUNICIPAL CODE
CHAPTER 1, GENERAL PROVISIONS

Chapter 1

GENERAL PROVISIONS

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**[HISTORY: Adopted by the Council of the City of Toronto as indicated in article histories.
Amendments noted where applicable.]**

General References

City of Toronto Act, 1997 (No. 1) - See S.O. 1997, c. 2.

Interpretation Act - See R.S.O. 1990, c. 1.11.

Municipal Act - See R.S.O. 1990, c. M.45.

Municipal Act, 2001 - See S.O. 2001, c. 25.

Provincial Offences Act - See R.S.O. 1990, c. P.33.

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ARTICLE I
Interpretation
[Adopted 2000-10-05 by By-law No. 870-2000]

§ 1-1. Applicability.

The provisions of this article apply to every by-law and deemed by-law of the Council except insofar as any provision:

- A. Is inconsistent with the intent or object of the by-law;
- B. Would give to a word, expression or provision of the by-law an interpretation inconsistent with the context; or
- C. Is in the by-law declared not applicable to it.

§ 1-2. Interpretation.

- A. Definitions. In every by-law, unless the context otherwise requires, the following terms shall have the meanings indicated:

CITY - The City of Toronto incorporated by the *City of Toronto Act, 1997 (No. 1)*.

COUNCIL - The Council of the City of Toronto.

MONTH - A calendar month.

MUNICIPAL CODE - A municipal code adopted by Council under section 248 of the *Municipal Act, 2001* or a predecessor of that section, or deemed to be a by-law adopted by Council under the *City of Toronto Act, 1997 (No. 1)*. **[Amended 2005-05-04 by By-law No. 338-2005]**

PERSON - Includes a corporation and the heirs, executors, administrators or other legal representatives of a person to whom the context can apply according to law.

WRITING - Includes words printed, painted, engraved, lithographed, photographed or represented or reproduced by any other mode in a visible form.

YEAR - A calendar year.

- A.1. In every by-law, a reference to the "City" is a reference to its geographic area or to the municipal corporation, as the context requires. **[Added 2005-05-04 by By-law No. 338-2005]**

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- B. Citations. In every by-law, unless the contrary intention appears:
- (1) A reference to an Act is to an Act in the Revised Statutes of Ontario, 1990.
 - (2) A reference to a regulation is to a regulation in the Revised Regulations of Ontario, 1990.
 - (3) A reference to a by-law is to a by-law or deemed by-law of the Council.
 - (4) Despite Subsection B(1), (2) or (3), a reference to an Act, regulation or by-law is to that Act, regulation or by-law as it is amended or re-enacted from time to time.
- C. Word usage. In every by-law, unless the contrary intention appears:
- (1) Words importing the singular number shall include more persons, parties or things of the same kind than one, and a word interpreted in the singular number has a corresponding meaning when used in the plural.
 - (2) Words used in the past or present tense include the future as well as the past and present.
 - (3) The word "shall" shall be construed as imperative and the word "may" as permissive.
 - (4) Words importing the masculine gender only include females as well as males and the converse.
 - (5) A grammatical variation of a word or expression defined or used has a corresponding meaning.
- D. Construction. In every by-law, unless the contrary intention appears:
- (1) Whenever an expression of time occurs, the time referred to or intended shall be standard time or daylight saving time, whichever is in effect at the time.
 - (2) Where the time limited by a by-law for the doing of any thing under its provisions expires or falls upon a holiday within the meaning of the *Interpretation Act*, the time so limited extends to and the thing may be done on the next day following that is not a holiday.
 - (3) Where a form is required or prescribed, deviations from it not affecting the substance or calculated to mislead do not invalidate it.
 - (4) Where power is given to a person, officer or functionary to do or to enforce the doing of an act or thing, all powers necessary to enable the person, officer or functionary to exercise the power given are deemed to be also given.

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- (5) Words directing or empowering a public officer or functionary to do an act or thing, or otherwise applying to the public officer by his or her name of office, include his or her successors in office and lawful deputy.
- (6) Where reference is made by number or letter to two or more sections, subsections, paragraphs, clauses or other provisions in a by-law, Act, regulation or any other written instrument, the number or letter first mentioned and the one last mentioned shall both be deemed to be included in the reference.
- (7) The preamble of a by-law shall be deemed a part of the by-law and is intended to assist in explaining the purport and object of the by-law.
- (8) Headings and titles.
 - (a) Headings in the body of a by-law form no part of the by-law but shall be deemed to be inserted for convenience of reference only.
 - (b) Chapter and article titles, headings and titles of sections and other divisions in the Municipal Code or in supplements made to the Municipal Code are inserted in the Municipal Code and may be inserted in supplements to the Municipal Code for the convenience of persons using the Municipal Code and are not part of the legislation.
- (9) Editor's notes indicating sources of sections, giving other information or referring to the statutes or to other parts of the Municipal Code are inserted in the Municipal Code and may be inserted in supplements to the Municipal Code for the convenience of persons using the Municipal Code and are not part of the legislation.

§ 1-3. Effect of repealed by-laws.

- A. Where a by-law is repealed, its repeal does not:
- (1) Revive any by-law or thing not in force or existing when the repeal takes effect;
 - (2) Affect the previous operation of the by-law;
 - (3) Affect any obligation or liability accrued, accruing or incurred under the by-law;
 - (4) Affect any offence committed against the by-law or any penalty, forfeiture or punishment incurred in respect thereof; or
 - (5) Affect any investigation, legal proceeding or remedy in respect of any such obligation, liability, penalty, forfeiture or punishment.

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- B. Despite its repeal, a by-law shall remain good and unrepealed to the extent necessary to give effect to Subsection A, and an investigation, legal proceeding or remedy may be instituted, continued or enforced, and a penalty, forfeiture or punishment may be imposed as if the by-law was unrepealed.
- C. If other provisions are substituted for repealed provisions by way of re-enactment, amendment, revision or consolidation:
- (1) All officers and persons acting under the repealed by-law shall continue to act as if appointed under the substituted provisions until others are appointed in their stead;
 - (2) Unless rescinded, all orders made under the repealed by-law continue good and valid insofar as they are not in conflict with the substituted provisions; and
 - (3) A reference in an order or in an unrepealed by-law to the repealed by-law shall, as regards any subsequent transaction, matter or thing, be construed to be a reference to the substituted provisions relating to the same subject-matter, and, if there is no substituted provision relating to the same subject-matter, the repealed by-law shall remain good and unrepealed to the extent necessary to support, maintain or give effect to the order or unrepealed by-law.

§ 1-4. Severability of by-laws.

Each section of a by-law is an independent section, and the holding of any section or part of it to be void or ineffective for any cause shall not be deemed to affect the validity of any other sections or parts of it.

ARTICLE II
Adoption of Code
[Adopted 2000-10-05 by By-law No. 871-2000¹]

§ 1-5. Adoption of Municipal Code.

Under section 104 of the *Municipal Act*, the by-laws of the City of Toronto of a general and permanent nature adopted by Council, including by-laws deemed to be by-laws adopted by Council under the *City of Toronto Act, 1997 (No. 1)*, as codified and consolidated into chapters and sections and consisting of Chapters 1 through 950 and attached to this article are adopted as "The City of Toronto Municipal Code," which shall be known and may be cited as the "City of Toronto Municipal Code," "Municipal Code" or "Code."

¹ Editor's Note: This by-law was passed under the authority of section 104 of the *Municipal Act*, R.S.O. 1990, c. M.45.

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§ 1-6. Municipal Code integrates prior by-laws.

The Municipal Code consolidates and includes the provisions of the original by-laws; however, under section 104 of the *Municipal Act*, the provisions of this Municipal Code shall be deemed to have come into force on the day the original by-law came into force, and any conditions precedent or subsequent or the approval of any authority external to Council required by law before the original by-law came into force shall, where the condition was satisfied or approval obtained in respect of the original by-law, be deemed to have been satisfied or obtained in respect of the corresponding provision of the Municipal Code.

§ 1-7. Amendments to Municipal Code.

- A. Any amendment to the Municipal Code, when passed and adopted in a form that indicates the intent of Council to make it a part of the Municipal Code, shall be deemed to be incorporated into the Municipal Code so that reference to "The City of Toronto Municipal Code" shall be understood and intended to include the amendment.
- B. Whenever any amendment to the Municipal Code is adopted, it shall be printed and inserted in the loose-leaf book containing the Municipal Code, as an amendment to it.
- C. Any by-law, whether adopted or deemed adopted before or after the effective date of this article, that Council determines is appropriate for inclusion in the Municipal Code may be included in the Municipal Code under the numbering system established by the Municipal Code, despite the fact that the by-law was adopted without reference to the Municipal Code under a different numbering system.

§ 1-8. Municipal Code book to be kept up to date.

- A. The City Clerk shall keep up to date the certified copy of the book containing the Municipal Code.
- B. All changes in the Municipal Code and all by-laws adopted after the effective date of this codification that are adopted specifically as part of the Municipal Code shall, when finally adopted, be included in it by reference until the changes or new by-laws shall be printed as supplements to the Municipal Code book, at which time the supplements shall be inserted.
- C. Where a page of the Municipal Code is amended during supplementation, any outdated reference to a statute, regulation or a provision in a statute or regulation included on the page may be updated to refer to the last applicable statute, regulation or provision in a statute or regulation, as the case may be.

§ 1-9. Altering or tampering with Municipal Code; offences.

Any person who improperly changes or amends, by additions or deletions, any part or portion of the Municipal Code or any certified copy of it, or alters or tampers with the Municipal Code or any

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certified copy of it, in any manner which will cause the by-laws of the City of Toronto to be misrepresented, is guilty of an offence and on conviction is liable to a fine or other penalty under the *Provincial Offences Act*.²

§ 1-10. Severability of Code provisions and article provisions.

- A. Each section of the Municipal Code and every part of each section is an independent section or part of a section, and the holding of any section or a part of it to be void or ineffective for any cause shall not be deemed to affect the validity of any other sections or parts of sections.
- B. Each section of this article is an independent section, and the holding of any section or part of it to be void or ineffective for any cause shall not be deemed to affect the validity of any other sections or parts of sections.

§ 1-11. Incorporation of provisions into Municipal Code.

[Amended 2001-12-06 by By-law No. 1109-2001³]

The provisions of this article are Article II of Chapter 1 of the City of Toronto Municipal Code.

§ 1-12. When effective.

- A. This article shall come into force on January 1, 2001.
- B. Despite Subsection A, the following do not come into force until the later of January 1, 2001, and the day on which the application for the existing set fines in Municipal Code format is approved under the *Provincial Offences Act*.
 - (1) Chapter 349, Animals.⁴
 - (2) Chapter 709, Smoking.⁵
 - (3) Article II, Election Signs, of Chapter 693, Signs.⁶
 - (4) Chapter 910, Parking Machines.⁷ **[Added 2000-10-12 by By-law No. 958-2000]**

² Editor's Note: This section was passed under the authority of section 320 of the *Municipal Act*, R.S.O. 1990, c. M. 45, and, under section 61 of the *Provincial Offences Act*, R.S.O. 1990, c. P.33, a person convicted of an offence is liable to a fine of not more than \$5,000.

³ Editor's Note: This by-law is deemed to have come into force on January 1, 2001.

⁴ Editor's Note: Set fines were approved by order under the *Provincial Offences Act* dated February 14, 2001.

⁵ Editor's Note: Set fines were approved by order under the *Provincial Offences Act* dated February 14, 2001.

⁶ Editor's Note: Set fines were approved by order under the *Provincial Offences Act* dated February 14, 2001.

⁷ Editor's Note: Set fines were approved by two orders under the *Provincial Offences Act* dated March 2, 2001.

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- (5) Chapter 950, Traffic and Parking.⁸ [**Amended 2000-10-12 by By-law No. 958-2000**]

⁸ Editor's Note: Set fines were approved by order under the *Provincial Offences Act* dated March 2, 2001.