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Chapter 545

LICENSING

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[Appendix N, \(Reserved\)](#)

[Appendix O, Contract Form for Driveway Paving Contractors](#)

[Appendix P, \(Reserved\)](#)

**[History: Adopted by the Council of the City of Toronto June 20, 2002 by By-law 514-2002.¹
Amendments noted where applicable.]**

¹ Editor's Note: This by-law was passed under the authority of the Municipal Act, R.S.O. 1990, c. M.45, as amended, and the City of Toronto Act, 1997 (*No. 2*), S.O. 1997, c. 26, as amended. Section 2 of this by-law also repealed By-law 574-2000, as amended. Section 3 of this by-law stated that, notwithstanding Section 2 of this by-law, all licences issued pursuant to By-law 574-2000, as amended, shall remain in full force and effect during the period for which such licences have been issued, unless for some other reason such licences are terminated, suspended, forfeited or revoked. Section 2 of this by-law shall not affect any offence committed against, any penalty incurred in respect to, nor any investigation, legal proceeding or remedy under By-law 574-2000. Section 4 of this by-law stated that any investigation or legal proceeding commenced under or in respect of By-law 574-2000 prior to the enactment of this by-law shall be taken

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General References

Animals - See Ch. 349.
Fees and charges - See Ch. 441
Administration of fees and charges - See Ch. 442.
Lottery licensing - See Ch. 553.
Licensing of videotape stores - See Ch. 832.
Accessibility Standards for Customer Service O. Reg. 429/07 - See Accessibility for Ontarians with Disabilities Act, 2005, S.O. 2005, c.11.
Blind Persons' Rights Act - See R.S.O. 1990, c. B.7.
Building Code Act, 1992 - See S.O. 1992, c. 23.
Condominium Act - See S.O. 1998, c. 19.
Energy Act - See R.S.O. 1990, c. E.16.
Environmental Protection Act - See R.S.O. 1990, c. E.19.
Health Protection and Promotion Act - See R.S.O. 1990, c. H.7.
Highway Traffic Act - See R.S.O. 1990, c. H.8.
Insurance Act - See R.S.O. 1990, c. I.8.
Land Titles Act - See R.S.O. 1990, c. L.5.
Liquor Licence Act - See R.S.O. 1990, c. L.19.
Municipal Act - See R.S.O. 1990, c. M.45.
Municipal Act, 2001 - See S.O. 2001, c. 25.
Pawnbrokers' Act - See R.S.O. 1990, c. P.6.
Private Security and Investigative Services Act, 2005 - See S.O. 2005, c. 34
Provincial Offences Act - See R.S.O. 1990, c. P.33.
Public Vehicles Act - See R.S.O. 1990, c. P.54.
Registry Act - See R.S.O. 1990, c. R.20.
Regulated Health Professions Act, 1991 - See S.O. 1991, c.18.
Substitute Decisions Act, 1992 - See S.O. 1992, c. 30.
Theatres Act - See R.S.O. 1990, c. T.6.
Veterinarians Act - See R.S.O. 1990, c. V.3.
Workplace Safety and Insurance Act, 1997 - See S.O. 1997, c.16.

ARTICLE I

General Licensing Provisions

§ 545-1. Definitions.

[Amended 2015-10-02 by By-law 973-2015; 2015-11-04 by By-law 1131-2015; 2016-06-09 by By-law 575-2016²]

For the purposes of this chapter, the following terms shall have the meanings indicated:

ACUPUNCTURE - An act of stimulation, by means of needles, of specific sites on the skin, mucous membranes or subcutaneous tissues of the human body to promote, maintain, restore or improve health, to prevent a disorder, imbalance or disease or to alleviate pain and includes:

[Added 2004-07-22 by By-law 658-2004³]

- A. The administration of manual, mechanical, thermal and electrical stimulation of acupuncture needles;
- B. The use of laser acupuncture, magnetic therapy or acupressure; and
- C. Moxibustion (Jiu) and suction cup (Ba Guan).

up and continued under and in conformity with this by-law. Section 5 of this by-law stated that it comes into force October 31, 2002; Section 5 was amended October 30, 2002 by By-law 847-2002 to change the effective date of "October 31, 2002" to "January 1, 2003."

² Editor's Note: By-law 575-2016 repealed the definitions of "limousine", "taxicab", "limousine service company" and "taxicab broker" effective July 14, 2016. This By-law also enacted (new) Chapter 546, Licensing of Vehicles-For-Hire.

³ Editor's Note: This by-law came into force July 1, 2004.

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ADULT ENTERTAINMENT CLUB:

[Amended 2013-02-21 by By-law 243-2013⁴; 2013-05-10 by By-law 620-2013⁵]

- A. Any premises or part thereof in which is provided services appealing to or designed to appeal to erotic or sexual appetites or inclinations.
- B. In this definition:
- (1) TO PROVIDE - When used in relation to services, includes to furnish, perform, solicit, or give such services in pursuance of a trade, business or occupation, and "providing" and "provision" have corresponding meanings.
 - (2) SERVICES - Includes activities, facilities, performances, exhibitions, viewing and encounters.
 - (3) SERVICES DESIGNED TO APPEAL TO EROTIC OR SEXUAL APPETITES OR INCLINATIONS - Includes:
 - (a) Services of which a principal feature or characteristic is the nudity or partial nudity of any person;
 - (b) Services in respect of which the word "nude," "naked," "topless," "bottomless," "sexy" or any other word or any other picture, symbol or representation having like meaning or implication is used in any advertisement;
 - (c) When used in reference to an adult entertainment club:
 - [1] DESIGNATED MANAGER - A person authorized by the owner of an adult entertainment club to manage, supervise, or control daily or shift operations of a club on behalf of an owner or operator.
 - [2] ENTERTAINER - Any person other than a licensed owner or operator who provides services designed to appeal to erotic or sexual appetites or inclinations at an adult entertainment club;
 - [3] OWNER - A person who alone or with others has the right to possess or occupy an adult entertainment club or actually does possess or occupy an adult entertainment club and includes a lessee of an adult entertainment club or of premises upon which an adult entertainment club is located; and
 - [4] OPERATOR - A person who manages, supervises, runs, or controls all operations of an adult entertainment club.

BAKE SHOP - A building, premises, workshop, room or place in which bread is made for sale or sold.

⁴ Editor's Note: By-law 243-2013 came into effect February 1, 2013.

⁵ Editor's Note: By-law 620-2013 came into effect July 1, 2013.

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BODY-RUB - Includes the kneading, manipulating, rubbing, massaging, touching, or stimulating, by any means, of a person's body or part thereof but does not include medical or therapeutic treatment given by a person otherwise duly qualified, licensed or registered so to do under the laws of the Province of Ontario.

BODY-RUB PARLOUR - Includes any premises or part thereof where a body-rub is performed, offered or solicited in pursuance of a trade, business or occupation, but does not include any premises or part thereof where the body-rubs performed are for the purpose of medical or therapeutic treatment and are performed or offered by persons otherwise duly qualified, licensed or registered so to do under the laws of the Province of Ontario. When used in reference to a body-rub parlour:

- A. **OWNER** - A person who alone or with others has the right to possess or occupy a body-rub parlour or actually does possess or occupy a body-rub parlour, and includes a lessee of a body-rub parlour or premises upon which a body-rub parlour is located; and
- B. **OPERATOR** - Refers to any person who alone or with others operates, manages, supervises, runs or controls a body-rub parlour, and "operate," "operation" and other words of like import or intent shall be given a corresponding meaning.

BUILDING CLEANER - Every sandblaster and every other person who for gain uses chemicals or pressurized air, water, steam, sand or other abrasives to clean or restore the exteriors of buildings or other structures.

BUILDING RENOVATOR - A person engaged in the business of altering, repairing or renovating buildings or structures or constructing radiation fallout shelters, and includes any person who solicits for such work, or who in any way advertises or holds himself or herself out to the public as doing building renovations or as being a building contractor in renovation work, but does not include a building contractor whose principal business is the construction of buildings or structures.

CHIEF OF POLICE - The Chief of Police of the City of Toronto.

CHIMNEY REPAIRMAN - A person engaged in the trade or occupation of repairing chimneys.

CITY COUNCIL - The Council of the City of Toronto.

CITY OF TORONTO - The urban area defined as such in the City of Toronto Act, 1997 (No. 1), S.O. 1997, c. 2.

CLOTHING DROP BOX - Any receptacle used for the purpose of collecting clothing, donated by the public, on an ongoing basis and as part of the regular activity of the operator. **[Added 2006-09-27 by By-law 800-2006⁶]**

COFFEE TRUCK - A refreshment vehicle that, other than coffee or tea, offers for sale only pre-packaged foods and/or pre-bottled beverages. **[Added 2011-04-13 by By-law 518-2011⁷]**

⁶ Editor's Note: This by-law came into force January 1, 2007.

⁷ Editor's Note: This by-law came into force January 27, 2010.

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COMMERCIAL PARKING LOT - Any location that demands compensation in relation to the use of a parking space, but does not include: **[Added 2015-07-09 by By-law 804-2015⁸; amended 2016-10-07 by By-law 970-2016]**

- A. Any parking location operated by or under the authority of the Toronto Parking Authority, regulated under Chapter 179, Parking Authority;
- B. Any City agency, board, commission, corporation or division;
- C. Any parking space rented on a weekly, monthly or yearly basis for one person's exclusive use;
- D. Any parking space located upon the driveway of a residential building; and
- E. Any parking location operated by a registered charitable organization, as defined in subsection 248(1) of the Income Tax Act, R.S.C. 1985, c. 1 (5th Supp.), or successor legislation, that has a registration number issued by the Canada Revenue Agency, or successor agency.

DEALERS IN SECOND-HAND GOODS - Includes persons who go from house to house or along highways for the purpose of collecting, purchasing or obtaining second-hand goods.

DRIVE-SELF CARTAGE VEHICLE - Any cartage vehicle rented by the owner thereof and used and driven exclusively by the hirer or his or her employee for his or her own personal use and not for any commercial or contractual use.

DRIVE-SELF RENTAL CAR - A motor vehicle used for hire for the conveyance of persons which is let out by the owner thereof to a customer and used and driven exclusively by the customer or his or her employee for the use of the customer but does not include a vehicle let out by the owner thereof for a period of one year or more to a person who takes exclusive possession thereof and drives the same either by himself or herself or his or her employees and who does not let such vehicle out to any other person.

DRIVE-SELF RENTAL SNOWMOBILE - A motor vehicle designed for use on snow having any combination of an endless belt track or tracks and a ski or skis that is used for hire for the conveyance of persons and is let out by the owner thereof to a customer.

DRIVEWAY PAVING CONTRACTOR - Any person that has ownership of a business that paves or resurfaces driveways and parking lots. **[Added 2011-05-19 by By-law 688-2011]⁹**

ENDORSEMENT - The additional consent provided to the holder of a licence under this chapter to carry on a related business activity which would otherwise require a licence under this chapter. **[Added 2004-07-22 by By-law 657-2004]**

ENTERTAINMENT ESTABLISHMENT/NIGHTCLUB - A premises, including but not limited to a dance hall or disco, used to provide dance facilities for patrons, where seating is not provided for the majority of the patrons and where food or beverage may be offered for sale as an ancillary use. **[Added 2006-02-02 by By-law 20-2006]**

⁸ Editor's Note: By-law 804-2015 came into force September 1, 2015.

⁹ Editor's Note: This by-law came into force July 4, 2011.

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EXECUTIVE DIRECTOR - The Executive Director of the Municipal Licensing and Standards Division of the City of Toronto. **[Amended 2015-10-02 by By-law 973-2015]**

GUIDE DOG - means a guide dog as defined in section 1 of the *Blind Persons' Rights Act*. **[Added 2015-06-12 by By-law 606-2015]**

HEATING CONTRACTOR - A person engaged in the business of installing warm air, hot water or steam heating equipment of any kind excepting the installation of oil tanks and oil and gas burners and includes any person who solicits for or in any way advertises or holds himself or herself out to the public as doing work involving the installation of warm air, hot water or steam heating equipment of any kind excepting the installation of oil tanks and oil and gas burners, or as being a heating contractor; and "heating work" has a corresponding meaning.

HOLISTIC CENTRE - Any premises or part thereof in which holistic services are provided or offered.

HOLISTIC SERVICES - Any modality used as a tool for therapeutic and wellness purposes, but does not include: **[Amended 2005-07-26 by By-law 719-2005]**

- A. Body-rubs as defined by this chapter;
- B. Medical or therapeutic treatment performed or offered by persons otherwise duly qualified, licensed or registered to do so under the laws of the Province of Ontario;
- C. Traditional Chinese medicine or acupuncture as defined by this chapter.

HOOKAH: **[Added 2015-12-10 by By-law 1331-2015]**

- A. A device, whether called a hookah or any other name, designed to heat or burn a substance and produce smoke intended to be inhaled by a user or users of the device.
- B. "Use", with respect to a hookah, includes any of the following:
 - (1) Inhaling smoke from a hookah.
 - (2) Exhaling smoke from a hookah.
 - (3) Holding an activated hookah.

MASTER PLUMBER - A person who is skilled in the planning, superintending and installing of plumbing, is familiar with the laws, rules and regulations governing the same, has a regular place of business in the City of Toronto and who, himself or herself, or by journeymen plumbers in his or her employ, performs plumbing work.

MASTER STEAM AND HOT WATER HEATING INSTALLER - A person who is skilled in the planning and installation of steam, hot water, vapour and vacuum heating systems and equipment used in connection therewith, and in the superintending of such work.

MASTER WARM AIR HEATING INSTALLER - A person who is skilled in the planning and installation of all types of warm air heating systems, including air conditioning and ventilating systems in connection therewith, and in the superintending of such work.

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MEDICAL OFFICER OF HEALTH - The Medical Officer of Health for the City of Toronto Health Unit as defined in the Health Protection and Promotion Act, R.S.O. 1990, c. H.7, or his or her designate.

MINOR - Any person under the age of 18 years. **[Added 2005-07-21 by By-law 671-2005¹⁰]**

MUNICIPAL LAW ENFORCEMENT OFFICER - A person appointed as a municipal law enforcement officer in accordance with Chapter 150 of the City of Toronto Municipal Code, as amended.

MUNICIPAL LICENSING AND STANDARDS DIVISION - The Municipal Licensing and Standards Division of the City of Toronto, and includes employees thereof. **[Amended 2015-10-02 by By-law 973-2015]**

PARKING ENFORCEMENT SERVICES - Any parking enforcement activity, including but not limited to the monitoring of property and the issuance of City of Toronto penalty notices, Toronto Police Service tow cards, and warning notices, carried on in relation to vehicles parked on private property without the consent of the owner or occupant of such property. **[Amended 2004-07-22 by By-law 725-2004; 2015-07-09 by By-law 804-2015¹¹; 2017-07-07 by By-law 797-2017¹²]**

PARKING ENFORCEMENT UNIT - The Parking Enforcement Unit of the Toronto Police Service.

PAWNBROKER - A person who exercises the trade of receiving or taking, by way of pawn or pledge, any goods for the repayment of money lent thereon.

PEDICAB - A vehicle drawn, propelled or driven by human muscular power, with or without the assistance of an electric motor, and includes a pedal-powered rickshaw. **[Amended 2009-04-30 by By-law 497-2009]**

PENALTY NOTICE - As defined in Chapter 610, Penalties, Administration of. **[Added 2017-07-07 by By-law 797-2017¹³]**

PERSON - Includes a firm or corporation to whom the context can apply.

PERSONAL SERVICES - The following classes of services and procedures for personal care or adornment when performed by a personal services worker: aesthetics, body piercing, electrolysis, hairstyling, manicure and pedicure, and tattoo and micropigmentation. When used in reference to this definition: **[Added 2013-05-10 by By-law 629-2013¹⁴]**

- A. **AESTHETICS** - Beautifying, cleaning, stimulating, hydrating or waxing the skin by the use of cosmetic preparations, including cleansers, antiseptics, lotions, exfoliants, masques, essential oils and hair removal waxes;

¹⁰ Editor's Note: This by-law came into force October 1, 2005.

¹¹ Editor's Note: By-law 804-2015 came into force September 1, 2015.

¹² Editor's Note: By-law 797-2017 came into effect August 28, 2017.

¹³ Editor's Note: By-law 797-2017 came into effect August 28, 2017.

¹⁴ Editor's Note: By-law 629-2013 came into force July 1, 2013.

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- B. BODY PIERCING - Piercing the skin with a needle, ear-piercing device or other like implement for the purpose of inserting jewelry, studs, beads, rings or other like items into body tissue, including, but not limited to, the ear and tongue;
- C. ELECTROLYSIS - Removing hair by use of an electric current conducted through a needle that has been inserted into the hair follicle;
- D. HAIRSTYLING - Cutting, shaving, styling or colouring hair, including facial hair;
- E. MANICURE AND PEDICURE - Cosmetic treatment of nails and skin on hands and feet; and
- F. TATTOO AND MICROPIGMENTATION - Depositing pigments below the dermis by the use of needles or other like implements.

PERSONAL SERVICES SETTING - A premise at which personal services are provided or offered. **[Added 2013-05-10 by By-law 629-2013¹⁵]**

PERSONAL SERVICES WORKER - Any person who performs personal services but does not include a person who is a member of a health profession listed in Schedule 1 of the Regulated Health Professions Act, as amended. **[Added 2013-05-10 by By-law 629-2013¹⁶]**

PLUMBING - Includes any procedure, method, matter or thing referred to or described in the Building Code Act, 1992, as amended; and "plumbing work" has a corresponding meaning.

PLUMBING CONTRACTOR - A person engaged in the business of contracting for the making and repairing of plumbing installations, and includes any person who solicits for plumbing work, or who in any way advertises or holds himself or herself out to the public as doing plumbing work or as being a plumbing contractor.

PRIVATE PARKING ENFORCEMENT AGENCY - A business which provides or performs parking enforcement services at a property for compensation. **[Amended 2015-07-09 by By-law 804-2015¹⁷]**

PUBLIC GARAGE - Includes a building or place where motor vehicles are hired or kept or used for hire or where such vehicles or gasoline or oils are stored or kept for sale, and a building or place used as a motor vehicle repair shop or for washing or cleaning motor vehicles and a collision reporting centre. **[Amended 2015-07-09 by By-law 804-2015¹⁸; 2015-10-02 by By-law 973-2015]**

SALVAGE YARD - Includes an automobile wrecking yard or premises.

¹⁵ Editor's Note: By-law 629-2013 came into force July 1, 2013.

¹⁶ Editor's Note: By-law 629-2013 came into force July 1, 2013.

¹⁷ Editor's Note: By-law 804-2015 came into force September 1, 2015.

¹⁸ Editor's Note: By-law 804-2015 came into force September 1, 2015.

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SCHOOL BUS - A motor vehicle designed for carrying not more than nine passengers, used for hire for the transportation of children to or from school, other than a vehicle owned and operated by a board of education or school board, or a taxicab as defined in the Public Vehicles Act in respect of which a licence has been issued by the Municipal Licensing and Standards Division.

SECOND-HAND GOODS - Includes waste paper, rags, bones, bottles, bicycles, automobile tires, old metal and other scrap material and salvage.

SERVICE ANIMAL - An animal described in subsection 80.45(4) of O.Reg. 191/11, under the Accessibility for Ontarians with Disabilities Act, 2005, S.O. 2005, c. 11. **[Added 2015-06-12 by By-law 606-2015; amended 2016-11-09 by By-law 1068-2016]**

TEMPORARY SIGN PROVIDER - Every person engaged in the business of installing on behalf of others, or leasing or renting to others, temporary signs as defined in Chapter 693. **[Added 2005-07-21 by By-law 698-2005¹⁹]**

TORONTO LICENSING TRIBUNAL - The Toronto Licensing Tribunal, renamed as such by this chapter under the authority of O.Reg. 214/96, made under the Municipal Act, as amended.

TORONTO POLICE SERVICE TOW CARD - A Toronto Police Service tow card approved by the Chief of Police of the Toronto Police Service.

TOW TRUCK - A motor vehicle used for hire for towing or otherwise conveying in the City of Toronto vehicles as defined in the Highway Traffic Act, whether or not any such towed or conveyed vehicle is intact or in operable condition.

TRADITIONAL CHINESE MEDICINE - The promotion, maintenance and restoration of health and prevention of a disorder, imbalance or disease based on traditional Chinese medicine theory by utilization of the primary therapies of: **[Added 2004-07-22 by By-law 658-2004²⁰]**

- A. Chinese acupuncture (Zhen), moxibustion (Jiu) and suction cup (Ba Guan);
- B. Chinese manipulative therapy (Tui Na);
- C. Chinese energy control therapy (Qi Gong);
- D. Chinese rehabilitation exercises such as Chinese shadow boxing (Tai Ji Quan); and
- E. Prescribing, compounding or dispensing Chinese herbal formulae (Zhong Yao Chu Fang) and Chinese food cure recipes (Shi Liao).

TRANSIENT TRADER - Includes any person commencing business who has not resided continuously in the City of Toronto for at least three months next preceding the time of his or her commencing such business there.

VEHICLE - A motor vehicle, trailer, traction engine, farm tractor, road-building machine, bicycle and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include a motorized snow vehicle or a street car.

¹⁹ Editor's Note: This by-law stated that it comes into force 60 days after enactment, September 20, 2005.

²⁰ Editor's Note: This by-law came into force July 1, 2004.

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WASTE - Garbage, recyclable materials, organic materials, yard waste and prohibited waste.
[Added 2017-04-28 by By-law 426-2017²¹]

§ 545-2. Licence requirement.

- A. There shall be taken out by the following persons a licence from the Municipal Licensing and Standards Division authorizing them respectively to carry on their several trades, businesses, and occupations in the City of Toronto for which licence the person obtaining the same shall pay to the Municipal Licensing and Standards Division at the time of taking out such licence the fee fixed by this chapter, and no person shall, within the City of Toronto, carry on or engage in any of the said trades, businesses or occupations until he or she has procured such licence so to do:
- (1) Every auctioneer selling or putting up for sale goods, wares, merchandise or effects by public auction, provided that nothing in this chapter shall apply to a sheriff or bailiff offering for sale goods or chattels seized under an execution or distrained for rent.
 - (2) Every person operating a bake shop.
 - (3) Reserved.²²
 - (4) Every person who for hire or gain directly or indirectly keeps or has in his or her possession or on his or her premises any billiard, pool or bagatelle table, or who keeps or has any such table, whether used or not in a house or place of public entertainment or resort.
 - (5) Reserved.²³
 - (6) Every person who keeps boats for hire.
 - (7) Every person who owns or operates a body-rub parlour.
 - (8) Every person other than a person licensed pursuant to Subsection A(7) hereof who performs, offers or solicits a body-rub in, at or upon a body-rub parlour in the pursuance of a trade, business or occupation.
 - (9) Reserved.²⁴
 - (10) The keeper of every store or shop where tobacco, cigars or cigarettes are sold, or offered for sale, by retail. [Amended 2011-04-13 by By-law 517-2011²⁵]

²¹ Editor's Note: By-law 426-2017 came into force May 1, 2017.

²² Editor's note: Subsection (3) respecting persons owning barber-shops and hairdressing establishments was repealed by By-law 629-2013, as amended by By-law 1016-2013. These by-laws came into force July 1, 2013.

²³ Editor's note: Subsection (5) respecting persons distributing bills was deleted October 2, 2015 by By-law 973-2015.

²⁴ Editor's Note: Subsection (9) respecting every owner and driver of a taxicab was repealed by By-law 575-2016 effective July 14, 2016. By-law 575-2016 also enacted (new) Chapter 546, Licensing of Vehicles-For-Hire.

²⁵ Editor's Note: As a result of changes in provincial legislation, the City of Toronto has the jurisdiction to licence business establishments located in hotels where previously such businesses were exempted.

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- (11) Every person who goes from house to house or along any street, whether public or private, for the purpose of collecting, purchasing or obtaining second-hand goods.
- (12) Every drain contractor and every drain layer.
- (13) Every person who carries on the business of teaching persons to operate motor vehicles and every driving instructor employed in such business.
- (14) Reserved.²⁶
- (15) Every person who owns or keeps any exhibition of wax works, menagerie, circus-riding or other like show usually exhibited by showmen.
- (16) Every person who owns or keeps a place where foodstuffs intended for human consumption are made for sale, offered for sale, stored or sold.
- (17) Every person who goes from place to place or to a particular place with goods, wares or merchandise for sale, or who carries and exposes samples, patterns or specimens of any goods, wares or merchandise which are to be delivered within the municipality afterwards; but not including a person who hawks, peddles or sells goods, wares or merchandise:
 - (a) To wholesale or retail dealers in similar goods, wares or merchandise; or
 - (b) If the goods, wares or merchandise are grown, produced or manufactured in Ontario and are hawked, peddled or sold by the grower, producer or manufacturer or his or her agent or employee having written authority so to do, in the municipality in which the grower, producer or manufacturer resides; or
 - (c) If the goods, wares or merchandise are grown or produced by a farmer resident in Ontario who offers for sale or sells only the produce of his or her own farm; or
 - (d) If the goods, wares or merchandise are hawked, peddled or sold by a person who pays business tax in the municipality, or by his or her employee, or by his or her agent; or
 - (e) If the goods, wares or merchandise are hawked, peddled or sold by an agent of the grower, producer or manufacturer, acting on behalf of a dealer who pays business tax in the municipality in respect of premises used for the sale of such goods, wares or merchandise; or
 - (f) If the goods, wares or merchandise are event tickets. **[Added 2003-05-23 by By-law 435-2003]**
- (18) Every heating contractor, master steam and hot water heating installer and master warm air heating installer.
- (19) Every person who carries on the business of installing insulation in buildings.

²⁶ Editor's Note: Subsection (14) respecting electrical contractor and master electrician was deleted October 2, 2015 by By-law 973-2015.

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- (20) Every person who owns or operates a laundry.
- (21) Every person carrying on the business of making available to the public the use of laundreterias, washing machines or dryers, including coin-operated washing machines and dryers.
- (22) Reserved.²⁷
- (23) Reserved.
- (24) Every owner of a motor vehicle used for hire of one or more of the following classes: drive-self rental car; drive-self rental motorcycle; drive-self rental motor scooter; drive-self rental snowmobile.
- (25) Reserved.²⁸
- (26) Every person who, for hire or gain, purchases or deals in old gold and other precious metals and in old jewellery or other articles for the purpose of smelting the same and recovering the gold therefrom.
- (27) Every keeper of a shop or place where animals or birds for use as pets are sold or kept for sale.
- (28) Every plumbing contractor, plumber and master plumber.
- (29) Every person who exercises the trade of a pawnbroker.
- (30) Reserved.²⁹
- (31) Every person who owns or operates a public garage.
- (32) Reserved.³⁰
- (33) Every person who owns or keeps any place for the reception, refreshment or entertainment of the public. **[Amended 2011-04-13 by By-law 517-2011³¹]**
- (34) Every person who owns or operates and every person, other than the driver of a coffee truck, who drives a vehicle from which refreshments are sold for consumption by the public. **[Amended 2011-04-13 by By-law 518-2011³²; 2013-12-18 by By-law 1730-2013]**
- (35) Every owner or keeper of a salvage shop.

²⁷ Editor's Note: Subsections (22) and (23) respecting the sale of horse meat and fresh meat was deleted October 2, 2015 by By-law 973-2015.

²⁸ Editor's Note: Subsection (25) respecting persons engaged in racing of motor vehicles, etc. was deleted October 2, 2015 by By-law 973-2015.

²⁹ Editor's Note: Repealed by By-law 1653-2012, effective February 7, 2012.

³⁰ Editor's Note: Subsection (32) respecting clubs with billiard, pool or bagatelle tables was deleted October 2, 2015 by By-law 973-2015.

³¹ Editor's Note: As a result of changes in provincial legislation, the City of Toronto has the jurisdiction to licence business establishments located in hotels where previously such businesses were exempted.

³² Editor's Note: This by-law came into force January 27, 2010.

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- (36) Every owner or keeper of a salvage yard.
- (37) Every driver of a school bus.
- (38) Every owner of a shop, store or other place for the purchase, sale or exchange of second-hand goods.
- (39) Every person, except those licensed under Subsection A(35), (36) or (38) of this section, who engages in the business of purchasing, selling, exchanging or otherwise dealing in second-hand goods in or from a yard, shop, store or other premises.
- (40) Reserved.³³
- (41) Reserved.³⁴
- (42) Every person who owns or keeps a roller-skating-rink or other place of like amusement, a merry-go-round, a switchback railway, a carousel or other like contrivance.
- (43) Reserved.³⁵
- (44) Reserved.³⁶
- (45) Subject to the provisions of the Theatres Act, every person who owns or keeps for hire or gain an exhibition [other than those provided for by Subsection A(15) of this section] and exhibits same elsewhere than in a theatre, music hall, public hall or other place licensed under this subsection, or who owns or keeps a theatre, music hall, bowling alley, moving picture show, public hall or any place of amusement.
- (46) Reserved.³⁷
- (47) Every owner and every driver of a tow truck.
- (48) Reserved.³⁸
- (49) Every transient trader or other person whose name has not been entered on the assessment roll or is entered on it for the first time, in respect of business assessment for the current year, and who offers goods, wares or merchandise for sale by auction, conducted by himself or herself, or by a licensed auctioneer or otherwise, or who offers them for sale in any other manner and every other person who, after the return of the assessment roll, commences to carry on any business in premises in respect to

³³ Editor's Note: Subsection (40) respecting automobile service stations was deleted October 2, 2015 by By-law 973-2015.

³⁴ Editor's Note: Subsection (41) respecting owners and drivers of horse-drawn vehicles was deleted October 2, 2015 by By-law 973-2015.

³⁵ Editor's Note: Subsection (43) respecting owners or keepers of a swimming pool or public bath was deleted October 2, 2015 by By-law 973-2015.

³⁶ Editor's Note: Subsection (44) respecting every taxicab broker was repealed by By-law 575-2016 effective July 14, 2016. By-law 575-2016 also enacted (new) Chapter 546, Licensing of Vehicles-For-Hire.

³⁷ Editor's Note: Subsections (46), respecting persons who own or keep a trailer camp was deleted October 2, 2015 by By-law 973-2015.

³⁸ Editor's Note: Subsection (48) respecting persons who own or keep a trailer, except in trailer camp was deleted October 2, 2015 by By-law 973-2015.

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- which he or she is liable for business assessment, but this subsection shall not apply to the sale of the stock of a bankrupt or insolvent, within the meaning of any Bankruptcy or Insolvency Act in force in Ontario, nor to the sale of any stock damaged by or by reason of fire, which is being sold or disposed of within the City of Toronto if the business was being carried on in the City of Toronto at the time of the bankruptcy, insolvency or fire, so long as no goods, wares or merchandise are added to such stock, nor shall this subsection apply to the sale of a business to a bona fide purchaser who continues the same.
- (50) Every person who owns or keeps a victualling house, ordinary or house where fruit, fish, oysters, clams or victuals are sold to be eaten therein. **[Amended 2011-04-13 by By-law 517-2011³⁹]**
 - (51) Every chimney repairman.
 - (52) Every person engaged in the business of altering, repairing or renovating buildings or structures or constructing radiation fallout structures, other than building contractors whose principal business is the construction of buildings or structures.
 - (53) Every building cleaner.
 - (54) Reserved.⁴⁰
 - (55) Every owner, operator or designated manager of an adult entertainment club. **[Amended 2013-02-21 by By-law 243-2013⁴¹; 2013-05-10 by By-law 620-2013⁴²]**
 - (56) Every entertainer at an adult entertainment club. **[Amended 2013-02-21 by By-law 243-2013⁴³; 2013-05-10 by By-law 619-2013]**
 - (57) Every owner and every driver of a pedicab used or kept for hire.
 - (58) Every owner of a holistic centre.
 - (59) Every person, other than a person licensed pursuant to Subsection A(58) hereof, who provides or offers holistic services.
 - (60) Every private parking enforcement agency.
 - (61) Reserved.⁴⁴

³⁹ Editor's Note: Editor's Note: As a result of changes in provincial legislation, the City of Toronto has the jurisdiction to licence business establishments located in hotels where previously such businesses were exempted.

⁴⁰ Editor's Note: Subsection (54) respecting special sales was deleted October 2, 2015 by By-law 973-2015.

⁴¹ Editor's Note: By-law 243-2013 came into effect February 1, 2013.

⁴² Editor's Note: By-law 620-2013 came into effect July 1, 2013.

⁴³ Editor's Note: By-law 243-2013 came into effect February 1, 2013.

⁴⁴ Editor's Note: The Province of Ontario has passed the Traditional Chinese Medicine Act, 2006, S.O. 2006 c. 27, to regulate the practice of Traditional Chinese Medicine and Acupuncture as a Regulated Health Profession, which removed the need for municipal regulation of these professions. Article XXXVIII was repealed July 14, 2011 by By-law 982-2011

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- (62) Reserved.⁴⁵
- (63) Reserved.⁴⁶
- (64) Every temporary sign provider. **[Added 2005-07-21 by By-law 698-2005⁴⁷]**
- (65) Every owner of an entertainment establishment/nightclub. **[Added 2006-02-02 by By-law 20-2006]**
- (66) Reserved.⁴⁸
- (67) Every operator of a clothing drop box. **[Added 2006-09-27 by By-law 800-2006⁴⁹]**
- (68) Every driveway paving contractor. **[Added 2011-05-19 by By-law 688-2011⁵⁰]**
- (69) Every person who owns or operates a personal services setting. **[Added 2013-05-10 by By-law 629-2013⁵¹]**
- (70) Every operator of a commercial parking lot. **[Added 2015-07-09 by By-law 804-2015⁵²]**

B. Reserved.⁵³

§ 545-3. Toronto Licensing Tribunal.

[Amended 2003-09-25 by By-law 1012-2003; 2005-06-16 by By-law 590-2005]

A. Name.

The Toronto Licensing Commission is renamed the Toronto Licensing Tribunal in English and Tribunal de Delivrance de Permis de Toronto in French.

B. Mandate of the Toronto Licensing Tribunal.

- (1) The Toronto Licensing Tribunal shall conduct the hearings and perform the duties that are assigned to it under this chapter.

⁴⁵ Editor's Note: The Province of Ontario has passed the Traditional Chinese Medicine Act, 2006, S.O. 2006, c. 27, to regulate the practice of Traditional Chinese Medicine and Acupuncture as a Regulated Health Profession, which removed the need for municipal regulation of these professions. Article XXXVIII was repealed July 14, 2011 by By-law 982-2011

⁴⁶ Editor's Note: Subsection (63) respecting every limousine service company was repealed by By-law 575-2016 effective July 14, 2016. By-law 575-2016 also enacted (new) Chapter 546, Licensing of Vehicles-For-Hire.

⁴⁷ Editor's Note: This by-law stated that it comes into force 60 days after enactment, September 20, 2005.

⁴⁸ Editor's Note: Subsection (66) respecting every owner and driver of a limousine was repealed by By-law 575-2016 effective July 14, 2016. By-law 575-2016 also enacted (new) Chapter 546, Licensing of Vehicles-For-Hire.

⁴⁹ Editor's Note: This by-law came into force January 1, 2007.

⁵⁰ Editor's Note: This by-law came into force July 4, 2011.

⁵¹ Editor's Note: By-law 629-2013 came into force July 1, 2013.

⁵² Editor's Note: By-law 804-2015 came into force September 1, 2015.

⁵³ Editor's Note: Subsection (B) respecting applicability to owners and drivers of cabs was repealed by By-law 575-2016 effective July 14, 2016. By-law 575-2016 also enacted (new) Chapter 546, Licensing of Vehicles-For-Hire.

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- (2) City Council has delegated its decision-making powers to the Toronto Licensing Tribunal as a quasi-judicial adjudicative body to hear evidence and submissions and make independent decisions after a hearing respecting whether a licence should be issued, refused, suspended, revoked or have conditions placed upon it.
- (3) Chapter 545 of the Municipal Code sets out City Council's objectives with respect to licensing matters, and the Toronto Licensing Tribunal, through its independent adjudicative powers, shall:
 - (a) Uphold the spirit and intent of the Municipal Code;
 - (b) Determine the extent to which an applicant's or licensee's individual circumstances and qualifications meet the requirements of the Municipal Code;
 - (c) Have regard for the need to balance the protection of the public interest with the need for licensees to make a livelihood;
 - (d) Ensure the hearing process is accessible and transparent and that hearings are conducted in a timely manner with due process; and
 - (e) Report on its activities through the Annual Report required by Subsection E.

C. Relationship Framework.

The Chair and members of the Toronto Licensing Tribunal shall be guided by the Relationship Framework for the Toronto Licensing Tribunal, as amended from time to time by City Council, which outlines the roles and responsibilities of the stakeholders in the licensing hearing process.

D. Business meetings.

- (1) The Chair of the Toronto Licensing Tribunal shall convene at least two business meetings of the Toronto Licensing Tribunal every year for the purposes of:
 - (a) Reviewing the operation of the Toronto Licensing Tribunal;
 - (b) Making decisions regarding administrative matters, procedural policies and the content of the Annual Report required by Subsection E;
 - (c) Discussing emerging policy issues relating to Toronto Licensing Tribunal hearings; and
 - (d) Discussing any other matters pertinent to the effective operation of the Toronto Licensing Tribunal.
- (2) All business meetings shall have a formal agenda, be recorded via meeting minutes and be open to the public.
- (3) Public notice of the Toronto Licensing Tribunal's business meetings shall be given by posting the notice on the notices page of the City of Toronto's web site for at least 10 days immediately preceding the business meeting.

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- (4) A notice given under Subsection D(3) is sufficient even if there are times during the minimum notice period when the City of Toronto's web site is not accessible.
- (5) A notice given under Subsection D(3) shall contain the following information:
 - (a) A general description of the matters to be discussed at the meeting;
 - (b) The date, time and location of the meeting; and
 - (c) Instructions on obtaining additional information or attending the meeting.
- (6) Quorum for a business meeting of the Toronto Licensing Tribunal shall be four members.

E. Annual report.

The Chair of the Toronto Licensing Tribunal shall report annually to the Planning and Transportation Committee or its successor, and the report shall include:

- (1) A summary of the activities of the Toronto Licensing Tribunal, including the number of hearings and hearing days, the types of hearings, and any changes made to the hearing process during the past year;
- (2) Any recommended changes to the policies and procedures of the Toronto Licensing Tribunal and any educational training proposed for the members of the Toronto Licensing Tribunal for the upcoming year;
- (3) Emerging licensing issues and observations that, in the Toronto Licensing Tribunal's opinion, should be reviewed by the City of Toronto; and
- (4) Any other matters that, in the Toronto Licensing Tribunal's opinion, impact the effective operation of the Toronto Licensing Tribunal.

F. Appointments of members and Chair; vacancies.

- (1) The Toronto Licensing Tribunal shall be composed of no more than six members appointed by City Council and one Chair appointed by City Council.
- (2) No member of City Council or a person who was a member of Council within three years of an appointment may be appointed as a member of the Toronto Licensing Tribunal.
- (3) If a member of the Toronto Licensing Tribunal is unable to fulfil his or her duties for any reason, the Chair of the Toronto Licensing Tribunal shall notify the City Manager as soon as possible of the vacancy and, if known to the Chair, the reason for the vacancy.
- (4) The City Manager may initiate a search process to appoint a new member, and City Council may appoint a new member to fill the vacancy.
- (5) If the Chair is unable to fulfil his or her duties on a short-term basis, the Chair shall designate a current member as the Acting Chair, who, during his or her tenure as Acting Chair, shall have the powers and duties of the Chair.

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- (6) If the Chair permanently vacates his or her position for any reason:
 - (a) The Toronto Licensing Tribunal shall select a Temporary Chair from among its members;
 - (b) The Temporary Chair shall notify the City Manager as soon as possible that the position of Chair has been vacated; and
 - (c) The City Manager may request City Council to initiate a search process to appoint a new Chair, and City Council may appoint a new Chair to fill the vacancy.

G. Terms.

- (1) Members of the Toronto Licensing Tribunal shall be appointed by and at the pleasure of City Council for terms coinciding with the term of City Council, and shall serve until their successors are appointed.
- (2) The Chair shall be appointed by and at the pleasure of City Council for a term coinciding with the term of City Council, and shall serve until his or her successor is appointed.
- (3) Any person appointed to replace a member or the Chair of the Toronto Licensing Tribunal before the member's or Chair's term expires shall hold office for the remainder of that term.
- (4) Members of the Toronto Licensing Tribunal are eligible for reappointment, subject to any policies adopted by City Council regarding citizen re-appointments or term limits to the City of Toronto's Agencies, Boards, Commissions and Corporations.

H. Remuneration.

- (1) The members and Chair of the Toronto Licensing Tribunal shall be paid such remuneration and expenses as may be fixed by City Council from time to time.
- (2) For greater certainty, the members and Chair of the Toronto Licensing Tribunal are not employees of the City of Toronto and are not eligible for any employee benefits or deductions.

I. Role of the Chair.

- (1) The Chair of the Toronto Licensing Tribunal shall oversee the effective and efficient operation of the Toronto Licensing Tribunal.
- (2) The duties of the Chair shall include, but are not limited to:
 - (a) Overseeing the hearing process;
 - (b) Developing procedural policies related to the hearing process and the conduct of the Toronto Licensing Tribunal members;
 - (c) Ensuring that the content of the Toronto Licensing Tribunal's web site is current, public-friendly and clear;

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- (d) Mentoring members of the Toronto Licensing Tribunal, especially new members;
- (e) Retaining and co-ordinating the work of outside consultants that have been retained to give the Toronto Licensing Tribunal legal or other professional advice under Subsection K(1).
- (f) Liaising with City Council, the public and the media as required;
- (g) Preparing the annual report required by Subsection E;
- (h) Reviewing the written decisions of the Toronto Licensing Tribunal for clarity only, but, for greater certainty, the Chair shall not review the rationale or outcome of any decision;
- (i) Chairing the business meetings of the Toronto Licensing Tribunal required under Subsection D; and
- (j) Occasionally participating in hearing panels as required or desirable.

J. Panels.

- (1) A proceeding before the Toronto Licensing Tribunal shall be considered and determined by a panel of the Toronto Licensing Tribunal.
- (2) The composition of hearing panels shall be set out in the Procedure By-law of the Toronto Licensing Tribunal.
- (3) If a member is unable to serve on the panel after having been appointed to do so but before the proceeding has commenced, the Chair or another member appointed by the Chair may serve on the panel in place of such member.
- (4) A Hearing Panel Chair shall be designated for each hearing.
- (5) Membership in a hearing panel shall be randomly assigned to maximize the rotation of members.

K. Support to the Tribunal.

- (1) The Toronto Licensing Tribunal may, in addition to the support provided by City of Toronto staff, retain persons who are not employees of the City of Toronto to provide legal or other professional advice in connection to a hearing, to assist in developing procedures or policies, or to provide adjudicative training for members.
- (2) Any person or people retained under Subsection K(1) to provide legal or other professional advice in connection to a hearing shall be independent of the parties to the hearing.
- (3) Any legal or other professional advice provided in connection to a hearing by a person or people retained under Subsection K(1) shall be made known to the parties to the hearing, and the Toronto Licensing Tribunal shall provide the parties with the opportunity to make submissions on the advice.

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- (4) The Toronto Licensing Tribunal shall follow any and all relevant City of Toronto procurement practices or policies when retaining any person or people under Subsection K(1).
- (5) Administrative support to the Toronto Licensing Tribunal shall be provided by staff of the City of Toronto.

L. Written reasons.

- (1) The Toronto Licensing Tribunal shall provide brief written reasons setting out the salient evidence and the reasons for each of its decisions.
- (2) The written reasons shall be made available to the public at no more than a nominal cost.

§ 545-4. Licences, applications and renewals.

A. Form to be completed; fee to be prepaid by owners and operators of body-rub parlours.

- (1) On an application for a licence, or the renewal thereof, respecting any of the several trades, businesses and occupations mentioned in § 545-2 hereof, the applicant shall complete the prescribed forms and shall furnish to the Municipal Licensing and Standards Division such information as the Municipal Licensing and Standards Division may direct to be furnished.
- (2) Every owner and every operator of a body-rub parlour applying for a licence pursuant to § 545-2A(7) shall deliver to the Municipal Licensing and Standards Division with the application payment in full, by cash or certified cheque, of the licence fee required by this chapter to be paid in respect of such licence.
- (3) The payment required by Subsection A(2) shall, if the licence is granted, be applied toward the payment of the licence fee for the licence period in respect of which the licence is issued.
- (4) The payment required by Subsection A(2) shall, if the licence is not granted, be returned to the applicant.

B. Issuance or denial of licence; hearing.

- (1) The Municipal Licensing and Standards Division shall, upon receipt of an application for a licence, or the renewal thereof, make or cause to be made such investigations as may be necessary with respect to such application and shall:
 - (a) If the investigation or any other information available to the Municipal Licensing and Standards Division discloses reasonable grounds to believe that the applicant may not be entitled to the issuance or renewal of a licence on the grounds referred to in Subsections C and C.1, or by reason of any other provision of this chapter, forthwith cause notice of this fact to be sent by prepaid

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mail to the applicant at the address as shown on the application form; or
[Amended 2004-01-29 by By-law 117-2004⁵⁴]

- (b) Subject to the provisions of this chapter, direct that the licence be issued or renewed.
- (2) A notice sent pursuant to Subsection B(1)(a) shall include:
 - (a) A statement that the applicant may request a hearing of the application by the Toronto Licensing Tribunal by delivering a written request for a hearing to the Municipal Licensing and Standards Division within 30 days of the date of the notice sent pursuant to Subsection B(1)(a); and
 - (b) A statement that if no request for a hearing is delivered by the applicant in accordance with Subsection B(2)(a) of this section, the application will not be granted.
- (3) Where the Municipal Licensing and Standards Division receives a request for a hearing from an applicant for a licence in accordance with Subsection B(2)(a), the application for a licence shall be referred forthwith to the Toronto Licensing Tribunal for a hearing.
- (4) Subject to § 545-4G(4), if the applicant has applied for renewal of the licence and has remitted the prescribed fee, the licence shall be deemed to continue: **[Amended 2005-06-16 by By-law 513-2005]**
 - (a) Until the renewal is granted; or
 - (b) If the licensee is served with a notice under Subsection B(1)(a), until the time for requesting a hearing has expired or, where a hearing has been requested, until the Toronto Licensing Tribunal has made a disposition of such application.
- (5) The Executive Director may issue and renew licences on a multi-year basis and require the payment of corresponding multi-year licensing fees. **[Added 2015-10-02 by By-law 973-2015]**

C. Grounds for denial of licence.

- (1) An applicant for a licence, or for the renewal of a licence, is, subject to the provisions of this chapter, entitled to be issued the licence or renewal, except where:
 - (a) The conduct of the applicant affords reasonable grounds for belief that the applicant has not carried on, or will not carry on, his or her trade, business or occupation in accordance with law and with integrity and honesty; or
 - (b) There are reasonable grounds for belief that the carrying on of the trade, business or occupation by the applicant has resulted, or will result, in a breach of this chapter or any other law; or

⁵⁴ Editor's Note: This by-law came into force July 1, 2004.

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- (c) The applicant is a corporation and its conduct or the conduct of its officers, directors, employees or agents affords reasonable grounds for belief that its trade, business or occupation has not been, or will not be, carried on in accordance with law and with integrity and honesty; or
 - (d) There are reasonable grounds for belief that the premises, accommodation, equipment or facilities in respect of which the licence is required have not complied, or will not comply, with the provisions of this chapter or any other law; or
 - (e) The conduct of the applicant or other circumstances afford reasonable grounds for belief that the carrying on of the business by the applicant has infringed, or would infringe, the rights of other members of the public, or has endangered, or would endanger, the health or safety of other members of the public.
- (2) Despite § 545-8A of this chapter, subsection 11(1) of By-law 20-85 of the former Municipality of Metropolitan Toronto shall continue to apply to proceedings commenced before February 3, 2000.
- C.1. Administrative thresholds for denial of licence. **[Added 2004-01-29 by By-law 117-2004⁵⁵; amended 2004-06-24 by By-law 483-2004⁵⁶]**
- (1) In addition to the grounds set out in Subsection C of this section, the Municipal Licensing and Standards Division shall, with respect to applications received on or after July 1, 2004, refuse the issuance or renewal of a licence where an applicant has not met the business licensing thresholds as set out in Appendix K to this chapter.⁵⁷
 - (2) Where an applicant is a corporation or a partnership, the requirements of § 545-4C.1(1) shall apply to any of the officers or directors of the corporation or partners in the partnership. **[Amended 2005-09-30 by By-law 754-2005⁵⁸]**
- D. Notwithstanding any decision of, or statement by, the Toronto Licensing Tribunal, the Executive Director, or any employee of the Municipal Licensing and Standards Division, respecting the granting of a licence or application therefor, no person shall be deemed to be licensed to carry on or engage in the trade, business or occupation for which such licence is required until he or she has paid the fee required by Chapter 441, Fees and Charges, to be paid with respect to such licence and has received the physical licence, plate, or other evidence of the granting of such licence provided for in this chapter. **[Amended 2015-10-02 by By-law 973-2015]**
- E. The Executive Director or his or her designate shall sign all licences issued pursuant to this chapter, and his or her signature may be printed or mechanically reproduced upon each licence issued, and such licence shall be in such form as the Executive Director may from time to time approve.

⁵⁵ Editor's Note: This by-law came into force July 1, 2004.

⁵⁶ Editor's Note: This by-law came into force July 1, 2004.

⁵⁷ Editor's Note: Appendix K is included at the end of this chapter.

⁵⁸ Editor's Note: This by-law came into force October 1, 2005.

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F. Validation stickers.

- (1) Where provision is made in this chapter for supplying or issuing a plate bearing an identifying number for use on a vehicle in respect of any class of licence, the Executive Director may authorize the issuance and use of an approved form of validation sticker on such plate in respect of any period for which a licence of such class is issued.
- (2) A plate with a validation sticker affixed thereto in accordance with the provisions of this section is valid for the licence period for which the sticker was issued.
- (3) Where the Executive Director has authorized the issuance and use of a validation sticker under Subsection F(1) in respect of any class of licence for any licence period:
 - (a) Every person to whom a renewal licence of such class is issued shall:
 - [1] Obtain such sticker from the Municipal Licensing and Standards Division at the time such licence is issued;
 - [2] Affix the sticker to the top right-hand corner of the plate issued by the Municipal Licensing and Standards Division for the vehicle in respect of which the licence is issued; and
 - [3] Maintain the sticker on the plate throughout the period for which the licence is valid.
 - (b) The use of a plate not validated in respect of any licence period for which such validation is required by this section shall be deemed not to constitute compliance with any provision of this chapter requiring a plate to be affixed to or maintained on a vehicle.

G. Renewal of licences.

- (1) A person holding a licence issued pursuant to this chapter may make application for the renewal of such licence by completing and mailing to the Municipal Licensing and Standards Division by prepaid regular mail a renewal application on such form as the Executive Director may from time to time approve.
- (2) Notwithstanding that a licence has been renewed, the Municipal Licensing and Standards Division may require the holder of a licence to file with the Municipal Licensing and Standards Division such certificates or other documentary evidence as may be required as evidence that such applicant satisfies the requirements of this chapter.
- (3) All licences issued under this chapter shall be renewed on the anniversary of the date upon which the licence was first issued or any other harmonized renewal date determined by this section. Where a licensee has been issued more than one licence the Executive Director may allow for the harmonization of renewal dates and payment of corresponding licensing fees.**[Added 2004-07-22 by By-law 657-2004; amended 2015-10-02 by By-law 973-2015]**

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- (4) Where persons holding a licence issued under this chapter fail to renew their licence by the renewal date as defined under § 545-4G(3), they shall, upon submitting an application for renewal after the renewal date, be subject to a late renewal administration fee, which shall be payable in addition to the annual licence fee. **[Added 2004-07-22 by By-law 657-2004; amended 2015-10-02 by By-law 973-2015]**
 - (5) Where a person holding a licence issued under this chapter fails to renew his or her licence within 90 days of the specified renewal date, the person shall no longer be entitled to renew the licence and shall be required to apply for a new licence under this chapter, subject to the payment of such fees as may be required. **[Added 2004-07-22 by By-law 657-2004; amended 2015-10-02 by By-law 973-2015]**
- H. Where a person licensed under this chapter fails to renew his or her licence in accordance with the provisions of this chapter, any plate issued or supplied under this chapter in respect of such licence shall be returned to the Municipal Licensing and Standards Division, and the plate shall remain with the Municipal Licensing and Standards Division until such time as the licence is renewed.
- I. Licence to be posted on premises or carried by licensee.
 - (1) Every person obtaining a licence under this chapter, where the same applies to premises, shall keep his or her licence posted up in some conspicuous place on the premises in respect of which the licence is issued, and every person so licensed shall, when so requested by the Municipal Licensing and Standards Division, produce the licence for inspection.
 - (2) Every person obtaining a licence under this chapter, where the same applies to the occupation of such person, shall carry such licence with him or her when engaged in the occupation for which the licence is issued, and every person so licensed shall, when so requested by the Municipal Licensing and Standards Division, produce the licence for inspection.
- J. Where two or more persons carry on or engage in partnership in any of the trades, businesses or occupations set out in § 545-2, the licence may be issued in the name of one partner only, but when the application for licence is made, the name and address of each member of the partnership shall be set out therein.
- K. Licences non-transferable; advertisement of alternate business name prohibited.
 - (1) No person shall enjoy a vested right in the continuance of a licence, and upon the issuance, renewal, transfer, cancellation or suspension thereof, the value of a licence shall be the property of City Council.
 - (2) No licence shall be transferred except in accordance with this chapter.
 - (3) No person licensed to carry on business under this chapter shall advertise or promote or carry on such business under any name other than the name endorsed upon the licence.

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- L. The licences for the several trades, businesses and occupations set out in Chapter 441, Fees and Charges, shall be valid from the date of their issuance or renewal and, unless previously forfeited or revoked, shall expire on the date determined as per § 545-4G(3). **[Amended 2004-07-22 by By-law 657-2004; 2015-10-02 by By-law 973-2015]**

M. Reserved.⁵⁹

N. Reserved.

- O. Amendments to licence. **[Added 2004-07-22 by By-law 657-2004; amended 2015-10-02 by By-law 973-2015]**

Where any person holding a licence under this chapter applies for an amendment to the licence at any time other than renewal of the licence, he or she shall pay an amendment fee.

- P. Validity of endorsements. **[Added 2004-07-22 by By-law 657-2004]**

- (1) Where a person holding a licence under this chapter is issued an endorsement to permit additional business activity under the license, the business activity permitted under the endorsement shall be commenced within 60 days of the issuance of the endorsement and carried on continuously thereafter.
- (2) In the event that the relevant business activity is not commenced as required under § 545-4P(1) or is discontinued for a continuous period of time of at least 30 days, the endorsement shall be deemed to be expired and the licensee shall be required to pay a fee to amend the licence as required under § 545-4O.
- (3) No person shall obtain or use an endorsement except as required under this § 545-4P.

§ 545-5. General provisions.

- A. Every person applying for or holding a licence under this chapter shall, in such application or in carrying on or engaging in the trade, business or occupation in respect of which the licence is issued, observe, comply with, and be governed by the regulations set out in the respective articles in this chapter which relate to such person, and the said articles shall form part of this chapter.
- B. The Municipal Licensing and Standards Division and any person authorized by the Executive Director may at all reasonable times inspect as much of any house, place or premises as is used for the carrying on of any trade, business or occupation in respect of which any person has or is required to have a licence under this chapter, and may inspect any goods, articles, books, records and other documents of or relating to any such trade, business or occupation, and no person who has or is required to have a licence under this chapter shall obstruct or hinder the making of the inspection aforesaid, or cause or permit the same to be obstructed or hindered. **[Amended 2015-10-02 by By-law 973-2015]**
- C. No person licensed under this chapter shall, because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender

⁵⁹ Editor's Note: Subsections 545-4M and N were deleted October 2, 2015 by By-law 973-2015.

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expression, age, marital status, family status, or disability, discriminate against any member of the public in the carrying on of the trade, business or occupation in respect of which the licence is issued. **[Amended 2015-06-12 by By-law 606-2015]**

- D. No person licensed under this chapter shall, in respect of any person with a disability being accompanied by a guide dog or service animal, by reason only of the presence of the said guide dog or service animal: **[Amended 2015-06-12 by By-law 606-2015]**
- (1) Refuse to serve such person;
 - (2) Refuse to permit such person to enter with such guide dog or service animal into or upon any place, premises, vehicle or thing to which the licence relates; or
 - (3) Refuse to permit such person and such guide dog or service animal to remain in or upon such place, premises, vehicle or thing.
- E. Reserved.⁶⁰
- F. No person licensed or required to be licensed under this chapter shall permit any person to use a hookah in or upon any premises, vehicle, or thing to which the licence relates, and this section shall come into effect on April 1, 2016. **[Added 2015-12-10 by By-law 1331-2015]**
- G. Without limiting §§ 545-498 and 545-506, every person licensed or required to be licensed under this chapter shall maintain the public sidewalks, curbs and gutters surrounding his or her business, free from littered cigarette butts, cigar tips, electronic cigarettes and any waste disposal generated by his or her patrons. **[Added 2016-12-15 by By-law 1202-2016; amended 2017-04-28 by By-law 426-2017⁶¹]**
- H. Every person licensed or required to be licensed under this chapter shall install and maintain temporary cigarette disposal containers or receptacles, in accordance with the following requirements: **[Added 2016-12-15 by By-law 1202-2016]**
- (1) the temporary cigarette disposal containers or receptacle shall be installed and maintained on the sidewalk forming part of the public highway immediately adjacent to his or her business; and
 - (2) the temporary cigarette disposal containers or receptacle shall be installed and maintained on the sidewalk forming part of the public highway during the business' operating hours and removed at the close of business, daily.
- I. Threats or reprisals.
- (1) For the purposes of this section, "any action by way of threat or reprisal" means:
 - (a) Terminating or purporting to terminate any employment or other business relationship governed by the provisions of this chapter; and

⁶⁰ Editor's Note: Subsection 545-5E was deleted by By-law 606-2015.

⁶¹ Editor's Note: By-law 426-2017 came into force May 1, 2017.

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- (b) Causing or purporting to cause pecuniary harm in respect of any business governed by the provisions of this chapter.
 - (2) No person licensed under this chapter shall, by any means whatsoever in respect of the licensed business carried on by such person, take any action by way of threat or reprisal against any other person licensed under this chapter by reason only of such person's participation in proceedings instituted under this chapter.
 - (3) No person licensed under this chapter shall, by any means whatsoever in respect of the licensed business carried on by such person, take any action by way of threat or reprisal against any other person licensed under this chapter by reason only of such person's participation in the exercise of the authority of City Council to enact by-laws for the licensing, regulating and governing of businesses in the City of Toronto.
- J. No person licensed under this chapter shall exhibit any show or performance of any kind, or sell or offer for sale any goods, wares or merchandise on the days of the holding of the Canadian National Exhibition or of any agricultural fair within the City of Toronto either within the grounds of such Exhibition or fair or within 274 metres therefrom; provided that this section shall not apply to a person who exhibits such show or performance or sells or offers for sale such goods, wares or merchandise under a proper concession from the Canadian National Exhibition Association or the operator of the agricultural fair authorizing him or her so to do, nor to a person who has a business premises and conducts a permanent business therefrom within the prohibited areas before mentioned.
- K. If what is known as "daylight saving time" has been generally adopted in the City of Toronto for any period of the year under any statute, order in Council, by-law, resolution or proclamation, whether the same is effective in law or not, such time shall be held to be the time referred to during such period in any reference to time in this chapter.
- L. In this chapter, unless the context otherwise requires, words importing the singular number shall include the plural, and words importing the masculine gender shall include the feminine.
- M. Where any licensee, or where the licensee is a corporation or partnership, any officer or director of the corporation or partner in the partnership, in the course of the tenure of the licence ceases to comply with the business licensing thresholds contained in Appendix K to this chapter, the licensee shall immediately contact and advise the Municipal Licensing and Standards Division of the nature and extent of the violation, and failure to provide such notice may independently result in the suspension of the licence-holder's licence. **[Added 2004-01-29 by By-law 117-2004⁶²; amended 2004-06-24 by By-law 483-2004⁶³; 2005-09-30 by By-law 754-2005⁶⁴]**

⁶² Editor's Note: This by-law came into force July 1, 2004.

⁶³ Editor's Note: This by-law came into force July 1, 2004.

⁶⁴ Editor's Note: This by-law came into force October 1, 2005.

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§ 545-6. Toronto Licensing Tribunal hearings.

- A. The Toronto Licensing Tribunal shall consider at a public hearing all applications for licences or renewal of licences referred to it pursuant to § 545-4B(3) of this chapter, and the Toronto Licensing Tribunal may, subject to this chapter, grant the licence applied for or may refuse to grant such licence, or may grant the licence to the applicant upon such conditions as the Toronto Licensing Tribunal considers appropriate and as are authorized by law. For greater certainty, the Toronto Licensing Tribunal shall not be bound by the business licensing thresholds as set out in Appendix K to this chapter, provided that the Toronto Licensing Tribunal shall be required to report, within a reasonable period of time, to the appropriate community council with respect to stationary licenses, or to the Planning and Transportation Committee with respect to mobile or trades licences, setting out the basis for: **[Amended 2004-01-29 by By-law 117-2004⁶⁵]**
- (1) A decision to issue or renew a licence refused by the Municipal Standards and Licensing Division for failure to comply with § 545-4C.1; or
 - (2) A decision not to attach conditions, revoke or suspend a licence as recommended by Municipal Standards and Licensing Division for failure to comply with the business licensing thresholds as set out in Appendix K to this chapter.
- B. The Municipal Licensing and Standards Division may refer to the Toronto Licensing Tribunal for a hearing any matter in respect of which a licence may be refused, suspended, revoked or have conditions imposed on it pursuant to this chapter, which shall include the failure by a licensee, or where the licensee is a corporation or partnership, any officer, director, employee or agent of the corporation or partner in the partnership, to comply with the business licensing thresholds as set out in Appendix K to this chapter. **[Amended 2004-01-29 by By-law 117-2004⁶⁶; 2004-06-24 by By-law 483-2004⁶⁷]**
- C. The Toronto Licensing Tribunal may, for any of the reasons set out in § 545-4C of this chapter:
- (1) Suspend or revoke any licence issued under this chapter;
 - (2) Impose such conditions upon a licence as it considers appropriate and as are authorized by law; and
 - (3) Suspend a licence or continue the suspension of a licence where a hearing which has been commenced is for any reason adjourned, pending final disposition of the hearing.
- D. Conditions on licences.
- (1) Despite Subsection C of this section, the Toronto Licensing Tribunal may, having regard to the conduct of the business by the licensee, suspend the passing of penalty

⁶⁵ Editor's Note: This by-law came into force July 1, 2004.

⁶⁶ Editor's Note: This by-law came into force July 1, 2004.

⁶⁷ Editor's Note: This by-law came into force July 1, 2004.

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and direct that the licence continue on such conditions as the Toronto Licensing Tribunal considers just and as are authorized by law.

- (2) Where a licensee who is bound by conditions issued in accordance with Subsection D(1) of this section is found to have contravened those conditions or any provision of this chapter, in addition to any penalty that the Toronto Licensing Tribunal may impose in respect of that contravention, the Toronto Licensing Tribunal may:
[Amended 2009-04-30 by By-law 495-2009]
- (a) Impose any suspension or revocation of the licence that could have been imposed had the passing of penalty not been suspended; and
- (b) Impose such further conditions as the Toronto Licensing Tribunal considers just and as are authorized by law.
- E. Upon suspension or revocation of a licence issued under this chapter, the licensee shall return to the Municipal Licensing and Standards Division the licence, and any plate or plates or any other evidence of such licence issued under this chapter, and the Municipal Licensing and Standards Division shall have access to any premises, vehicle or other property of the licensee for the purpose of receiving or taking the licence, plate, or other evidence of such licence, and no person shall refuse to deliver the licence, plate, or other evidence of such licence to the Municipal Licensing and Standards Division or shall in any way prevent or hinder the receiving or taking of same.
- F. Notice of the revocation of any licence may be given by the Municipal Licensing and Standards Division by registered letter, mailed to the address given by the licensee in his or her application for the licence, or by communication to the licensee in any manner whatsoever, and upon such notice, the licence revoked shall cease and terminate and be of no further effect.
- G. Prior notice of hearing; recording of proceedings.
- (1) The Municipal Licensing and Standards Division shall, prior to the commencement of any hearing before the Toronto Licensing Tribunal, give to the licensee or applicant at least seven days' notice of such hearing, mailed or delivered to the address last known to the Municipal Licensing and Standards Division.
- (2) The proceedings of the Toronto Licensing Tribunal shall be taken down and recorded by a court reporter.

§ 545-7. Offences.

- A. Every person who contravenes any of the provisions of this chapter is guilty of an offence and on conviction is liable to a fine not exceeding \$25,000.
- B. Where a corporation is convicted of an offence under Subsection A, the maximum penalty that may be imposed on the corporation is \$50,000.

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- C. Where a corporation contravenes any of the provisions of this chapter, every director or officer who concurs in such contravention is guilty of an offence and on conviction is liable to a fine not exceeding \$25,000.
- D. Every person who contravenes the provisions of § 545-2A(7) or (55) and every director or officer of a corporation who concurs in such contravention by the corporation is guilty of an offence and on conviction is liable to a fine not exceeding \$25,000 or to imprisonment for a term not exceeding one year or to both.
- E. Where a corporation is convicted of an offence under Subsection D, the maximum penalty that may be imposed on the corporation is \$50,000.

§ 545-8. Transitional provisions.

- A. By-law 20-85 of the former Municipality of Metropolitan Toronto, being a By-law "Respecting the licensing, regulating and governing of trades, callings, businesses and occupations in the Metropolitan Area," as amended, is repealed.
- B. Notwithstanding Subsection A, all licences heretofore issued pursuant to the said By-law 20-85, as amended, shall, during the period for which the same have been issued, remain in full force and effect unless for some other reason the same are terminated, suspended, forfeited or revoked, and Subsection A shall not affect any offence committed against the said By-law 20-85, nor any penalty incurred in respect thereof, nor any investigation, legal proceeding or remedy thereunder.
- C. Subject to § 545-4C(2) of this chapter, any investigation or legal proceeding commenced under or in respect of the said By-law 20-85 prior to the enactment of this chapter shall be taken up and continued under and in conformity with this chapter.

ARTICLE II

Persons Who Carry on the Business of Teaching Persons to Operate Motor Vehicles and Driving Instructors Employed in Such Business

§ 545-9. Definitions.

As used in this article, the following terms shall have the meanings indicated:

DRIVING SCHOOL OPERATOR - A person who is licensed or is required to be licensed under this chapter to carry on the business of teaching persons to operate motor vehicles.

EMPLOYED - Includes any business relationship between an operator and instructor, whether on a salary, hourly wage, commission or independent contract or other basis, and the terms "employee" and "employment" have a corresponding meaning.

INSTRUCTOR - A person who is licensed as a driving instructor or is required to be licensed as such under this chapter and who is employed or self-employed in the business of teaching persons to operate motor vehicles.

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§ 545-10. Types of licences.

The Municipal Licensing and Standards Division may issue the following types of licences in connection with driving instruction:

- A. An instructor's licence; and
- B. A driving school operator's licence.

§ 545-11. Issuance of more than one licence.

- A. An applicant, if qualified under the provisions of this chapter, may be issued one or more of the said licences according to his or her qualifications.
- B. The holder of one type of licence issued under § 545-10 of this article shall not carry on the trade or business for which another type of licence is required unless he or she holds such other type of licence under § 545-10.

§ 545-12. Requirements of instructors.

- A. Every instructor shall:
 - (1) Be of the full age of 18 years or over.
 - (2) Be the holder of an instructor's licence issued pursuant to the *Highway Traffic Act*.
 - (3) Be fluent in reading and speaking the English language.
 - (4) Submit with his or her application for a licence two photographs of himself or herself, one of such photographs to be attached to the licence and the other to be filed with the Municipal Licensing and Standards Division; and shall, when giving instruction to any student driver, place the licence with the photograph attached in the vehicle, in a frame or other device for holding the same securely, in such position that it is plainly visible to the student driver.
 - (5) Within 48 hours of changing his or her address, attend at the offices of the Municipal Licensing and Standards Division and inform the Municipal Licensing and Standards Division of such change of address, and produce his or her licence for the change to be entered thereon.
 - (6) While giving driving instruction, be properly dressed, neat and clean in his or her person and civil and well behaved.
 - (7) Before giving instruction to any student, advise the Municipal Licensing and Standards Division of all vehicles which he or she proposes to use to give instruction, identifying such vehicles by the makes and serial numbers thereof.
 - (8) At the request of the Municipal Licensing and Standards Division, submit any such vehicle for inspection by the Municipal Licensing and Standards Division or by a mechanic designated by the Executive Director.

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- (9) In respect of each driving school vehicle which is used for the purpose of giving instruction, procure a policy of insurance endorsed to the effect that the Municipal Licensing and Standards Division shall be given at least 10 days' notice in writing of any cancellation, expiration or change in the amount of the policy, and insuring in respect of any one accident, to the limit of at least \$2,000,000 exclusive of interest and costs against loss or damage resulting from bodily injury to or death of one or more persons and loss of or damage to property; and the said policy shall make provision for passenger hazard including the carrying of passengers for compensation or hire in the business of or for the use of a driving school in an amount not less than the foregoing. A certified copy or certificate of such policy shall be deposited with the Municipal Licensing and Standards Division. **[Amended 2003-04-16 by By-law 248-2003⁶⁸]**

B. No instructor shall give driving instructions:

- (1) To any student driver when any person other than himself or herself, the student driver, and the owner of the business or an appointee of such owner connected with the school staff is in the vehicle in which the instruction is being given, but, where all the students are under the age of 25 years, this provision shall not apply to any course of driving instruction meeting the standard set for such driving course by the Ministry of Transportation for the Province of Ontario.
- (2) In any vehicle which has not, in addition to the standard controls and brakes for use by the driver, extra braking equipment in good working condition placed in a position for ready use by the instructor or operator seated beside the driver.
- (3) To any student driver who fails to produce a current Ontario motor vehicle operator's licence or a current Ontario motor vehicle operator's temporary instruction permit or, in the case of a student driver who has not resided in Ontario for more than 60 days, a subsisting driver's licence in accordance with the laws of the province, country or state of which he or she was a resident immediately before becoming a resident of Ontario.
- (4) To any student driver whose driving ability he or she knows, or has reason to suspect, is impaired by the use of alcoholic beverages, drugs or narcotics.
- (5) If he or she has, within the previous six hours, taken or consumed any alcoholic beverages, or if the use of alcoholic beverages by him or her is apparent in any way.
- (6) In any vehicle unless the same has securely affixed to the back thereof in a position approved by the Municipal Licensing and Standards Division a plate issued by the Municipal Licensing and Standards Division bearing an identifying number and indicating that such vehicle is used in a business licensed under this chapter.

⁶⁸ Editor's Note: The increased insurance amount enacted by this by-law is effective for each licensed vehicle or business on the next insurance policy renewal date for that vehicle or business following the date on which this by-law comes into force; this by-law comes into force June 1, 2003.

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- (7) In any vehicle until the same has been approved by the Municipal Licensing and Standards Division, and is recorded at the offices of the Municipal Licensing and Standards Division.
- (8) To any student driver who is not registered as a student at the driving school where the driving instructor is employed.
- (9) To any student unless the vehicle being used for such instruction bears the sign or signs referred to in § 545-13B(7)(b) of this article.

§ 545-13. Requirements of driving school operators.

A. Every driving school operator shall:

- (1) Be of the full age of 18 years or over.
- (2) Be fluent in reading, writing and speaking the English language.
- (3) Within 48 hours of any change in his or her address, attend at the offices of the Municipal Licensing and Standards Division and furnish the Municipal Licensing and Standards Division with particulars of his or her new address, and produce his or her licence for the change to be entered thereon.
- (4) Before taking out a licence, advise the Municipal Licensing and Standards Division of all vehicles to be used in the business, identifying the same by the makes and serial numbers thereof.
- (5) Advise the Municipal Licensing and Standards Division forthwith when he or she ceases to use any such vehicles and when he or she proposes to use any additional vehicles, identifying the same as in Subsection A(4) hereof, and return to the Municipal Licensing and Standards Division all plates issued pursuant to Subsection B(4) of this section in respect of vehicles which he or she has ceased to use in the business.
- (6) Upon being ordered so to do by the Executive Director, or his or her designate, cease to publish, display or circulate any poster, handbill, card, novelty, notice, newspaper advertisement or other matter used to advertise his or her business.
- (7) Provide in every vehicle used in the business a frame or other device in accordance with § 545-12A(4) of this article for holding the photograph of the person giving instruction to a student driver.
- (8) Keep a permanent record of the name and address of each student, the date of the commencement of instruction, the date, time and name of the instructor for each lesson and the number of the student's motor vehicle operator's temporary instruction permit or a motor vehicle operator's licence, or, in the case of a student driver who has not resided in Ontario for more than 60 days, the number, date and place of issue, and the date of expiry of the student's subsisting driver's licence in accordance with the laws of the province, country or state in which he or she was a resident immediately before becoming a resident of Ontario.

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- (9) Allow the Municipal Licensing and Standards Division or any person authorized by it to have access to all premises, vehicles, equipment, books and records used in the business, and submit any such vehicle for inspection whenever required by the Municipal Licensing and Standards Division.
 - (10) Notify the Municipal Licensing and Standards Division in writing of the name and address of each driving instructor employed by him or her and of the date of the commencement of such employment, such notification to be given not later than 48 hours after the employment has commenced.
 - (11) Notify the Municipal Licensing and Standards Division in writing of the name and address of each driving instructor whose employment by him or her has terminated, and of the date of the termination of such employment, such notification to be given not later than 48 hours after the employment has terminated.
 - (12) Before giving instruction:
 - (a) Furnish each student with a written statement of all rates and charges for services provided by the school, which statement shall be in a form approved by the Municipal Licensing and Standards Division, and shall commence with the words, "The following is a complete schedule of rates and charges for all services provided by (name of driving school) and no other rates or charges shall be demanded or received by the school or by any of its instructors"; and
 - (b) Furnish the Municipal Licensing and Standards Division with a copy of such statement.
 - (13) Adhere to the rates and charges published in the statement referred to in Subsection A(12)(a); and give 15 days' advance notice to the Municipal Licensing and Standards Division of any new statement of rates and charges which he or she proposes to publish in lieu of an existing statement.
 - (14) In respect of each driving school vehicle which is used for the purpose of giving instruction, procure a policy of insurance endorsed to the effect that the Municipal Licensing and Standards Division shall be given at least 10 days' notice in writing of any cancellation, expiration or change in the amount of the policy, and insuring in respect of any one accident, to the limit of at least \$50,000 exclusive of interest and costs against loss or damage resulting from bodily injury to or death of one or more persons and loss of or damage to property; and the said policy shall make provisions for passenger hazard including the carrying of passengers for compensation or hire in the business of or for the use of a driving school in an amount not less than the foregoing. A certified copy or certificate of such policy shall be deposited with the Municipal Licensing and Standards Division.
- B. No driving school operator shall:
- (1) Cause or permit instruction to be given in any vehicle which has not, in addition to the standard controls and brakes for use by the driver, extra braking equipment in good working condition placed in a position for ready use by the instructor or operator seated beside the driver.

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- (2) Cause or permit instruction to be given to any student driver who fails to produce a current motor vehicle operator's licence or a current Ontario motor vehicle operator's temporary instruction permit, or, in the case of a student driver who has not resided in Ontario for more than 60 days, a subsisting driver's licence in accordance with the laws of the province, country or state of which he or she was a resident immediately before becoming a resident of Ontario.
- (3) Advertise driving school service or instruction unless he or she operates from the address so advertised.
- (4) Use or permit to be used in his or her business any vehicle unless the same has securely affixed to the back thereof, in a position approved by the Municipal Licensing and Standards Division, a plate issued by the Municipal Licensing and Standards Division bearing an identifying number and indicating that such vehicle is used in a business licensed by the Municipal Licensing and Standards Division.
- (5) Use or permit to be used in his or her business any vehicle until the same has been approved by the Municipal Licensing and Standards Division and is recorded at the offices of the Municipal Licensing and Standards Division.
- (6) Employ as an instructor any person not licensed under this chapter.
- (7) Use or permit to be used in his or her business any vehicle unless the same bears the following:
 - (a) The provincial motor vehicle permit number plate of the vehicle.
 - (b) A sign or signs of such nature, size and location on the vehicle as to be readily legible at a distance of at least 15 metres both from the front of and from the rear of the vehicle, which sign shall bear the business name, address and telephone number of the operator and which sign must not obstruct the clear view of the plate referred to in Subsection B(4) hereof.
 - (c) Any other number, sign, card or plate issued or approved under this chapter.
- (8) Use or permit to be used in his or her business any vehicle bearing any number, sign, card or plate other than those mentioned in Subsection B(7) above.
- (9) Enter into an agreement for driving instruction with any person not the holder of a current Ontario driving instructor's licence or a current temporary Ontario driving instructor's licence.
- (10) Cause or permit driving instruction to be given during the first hour of practical training on any primary traffic artery, main highway route or heavily travelled thoroughfare.

§ 545-14. Instructors to be employed by one operator; notification of change in employment by instructors.

No instructor shall be employed by more than one operator at a time, and upon ceasing employment with one operator and commencing employment with another operator every such

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instructor shall attend in person at the offices of the Municipal Licensing and Standards Division within 48 hours of his or her change of employment and give the name and address of his or her new employer.

§ 545-15. Areas where driving instructions prohibited.

- A. No instructor shall give driving instructions:
- (1) In any public park in the City of Toronto;
 - (2) Upon any street abutting a school or playground, which, together with the adjoining streets, forms the block in which such school or playground is situated;
 - (3) The area bounded on the north by Finch Avenue West, on the west by Jane Street, on the south by Highway 401 and on the east by Bathurst Street; **[Amended 2005-02-03 by By-law 46-2005]**
 - (4) Upon any street in the area bounded on the north by Highway 401, on the west by Leslie Street, on the east by Kennedy Road, and on the south by Eglinton Avenue East;
 - (5) Upon any street in the area bounded on the west by Meadowvale Road, on the east by the municipal boundary, on the north by Finch Avenue East, and on the south by Lawrence Avenue East; **[Amended 2008-07-17 by By-law 843-2008]**
 - (6) Upon any street in the area bounded on the north by Eglinton Avenue West, on the west by the Etobicoke Creek (the Toronto-Mississauga border), on the south by Bloor Street West and on the east by Highway 427; and
 - (7) Upon the portion of those streets and boundaries which form the boundaries of the areas described in Subsection A(3) to (6) herein.
- B. No driving school operator shall cause or permit driving instruction to be given in or upon the streets, highways and areas described in Subsection A(1) of this section.

ARTICLE III
Owners and Drivers of Pedicabs

§ 545-16. Definitions.

As used in this article, the following terms shall have the meanings indicated:

AGGRESSIVE SOLICITATION - To solicit by creating a disturbance or loud noise, physically obstructing or interfering with any person, or continuing to solicit a person after that person has refused an offer of services. **[Added 2004-12-02 by By-law 1049-2004]**

DRIVER - An individual person who operates, drives, pulls or otherwise draws a pedicab and includes an owner who operates, drives, pulls or otherwise draws a pedicab.

OWNER - A person who owns a pedicab or pedicabs licensed as such or required to be licensed as such under this chapter.

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PASSENGER - Any individual person in a pedicab other than the driver.

TO SOLICIT - Includes to offer or make available in any way, or to communicate to any person, the availability of pedicab services, and "solicitation" and "soliciting" have corresponding meanings. [Added 2004-12-02 by By-law 1049-2004]

§ 545-17. Identification plate to be affixed to pedicab.

Every owner shall, for each pedicab for which such owner holds a licence, affix and maintain while such pedicab is being used for hire, or while standing available for such use, a plate supplied by the Municipal Licensing and Standards Division and bearing an identifying number, securely affixed to the vehicle, in a position approved by the Municipal Licensing and Standards Division.

§ 545-18. Display of identification of driver.

Every driver and every owner shall at all times when operating a pedicab have his or her name, together with a photograph of his or her person, affixed in a place on the pedicab in such a manner as may be approved by the Executive Director or his or her designate so that such name and photograph are plainly visible to and readable by any passenger of the pedicab.

§ 545-19. Licence and plate non-transferable; sale of pedicabs.

- A. Every licence issued to an owner is valid only for such owner, and no owner's licence may be transferred, leased or sold.
- B. Subject to § 545-20 of this article, where any pedicab is sold, or where the owner of any pedicab gives up, transfers, leases or otherwise parts with possession or control or the right to possession or control of such pedicab, the licence and plate issued in respect of the pedicab shall be terminated.
- C. Every owner who sells a pedicab shall notify the Municipal Licensing and Standards Division of the sale within 10 days after such sale, and shall within the same period surrender the licence and plate issued in respect of such pedicab to the Municipal Licensing and Standards Division.

§ 545-20. Pedicabs to be operated by licensed drivers or owners only.

- A. No owner shall permit any person other than a licensed driver employed or otherwise retained by such owner to operate the pedicab or to make it available for hire.
- B. Nothing in this section prevents an owner from operating his or her own pedicab.

§ 545-21. Insurance requirements.

- A. Every owner shall, in respect of each pedicab for which a licence is held, obtain, maintain and pay for a liability insurance policy to cover the offering and operating of pedicabs for

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hire with a limit of not less than \$1 million combined bodily injury, death and property damage, exclusive of costs and interest, for any one accident or occurrence.

- B. The policy referred to in Subsection A shall be endorsed to the effect that the Municipal Licensing and Standards Division will be given 10 days' notice in writing of any cancellation, expiration or suspension of the policy or of any reduction in the amount of coverage under the policy.
- C. Every owner shall ensure that the Municipal Licensing and Standards Division receives notice of any change respecting the insurance policy as referred to in Subsection B.

§ 545-22. Proof of insurance policy.

- A. Every owner shall produce for inspection by the Municipal Licensing and Standards Division a copy of such owner's insurance policy whenever an application for, or a renewal of, a licence is made, and the Municipal Licensing and Standards Division shall note the name of the insurer, the amount of coverage and the policy number in the owner's file.
- B. Every owner shall ensure that the driver of such owner's pedicab carries and every such driver shall carry a certificate or other proof of insurance as provided by the insurer, at all times while the vehicle is hired or available for hire, and will produce for inspection such certificate or other proof of insurance to the Municipal Licensing and Standards Division or a peace officer upon request.

§ 545-23. Suspension of licence for inadequate insurance.

The Executive Director or his or her designate may, notwithstanding anything else contained in this chapter, suspend an owner's licence in respect of any pedicab as to which there has been a cancellation, expiration or suspension of a policy of insurance or a reduction in the amount of coverage which fails to comply with the requirements set out in § 545-21A of this article.

§ 545-24. Condition of pedicab.

No owner or driver shall operate or permit to be operated or made available for hire any pedicab unless it is:

- A. Clean as to its exterior;
- B. In good repair as to its exterior;
- C. Clean as to its interior;
- D. In good repair as to its interior; and
- E. Free from mechanical defects.

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§ 545-25. Reflective devices required.

No owner shall permit such owner's pedicab to be hired or made available for hire and no driver shall operate such pedicab unless it is equipped with both front and rear reflective devices in good working condition and satisfactory to the Municipal Licensing and Standards Division.

§ 545-26. Dangerous or unsafe pedicabs.

Where there are reasonable and probable grounds to believe that a pedicab is dangerous or unsafe, the Municipal Licensing and Standards Division may remove the pedicab number plate supplied by the Municipal Licensing and Standards Division and may refer the matter for a hearing before the Toronto Licensing Tribunal to determine whether or not the licence should be suspended, revoked or have conditions placed on it.

§ 545-27. Maximum number of passengers.

- A. No owner or driver shall permit more than two persons to be passengers in a pedicab at any time without the consent of the Executive Director or his or her designate.
- B. Notwithstanding Subsection A, an owner or driver may permit a third person to be a passenger in a pedicab, provided such person is 12 years of age or younger.

§ 545-28. Appearance and behaviour of drivers.

Every driver of a pedicab shall be properly dressed, neat and clean in his or her person, and be civil and well-behaved whenever the pedicab is hired or made available for hire, and such driver shall not make any loud noise or disturbance.

§ 545-28.1. No aggressive solicitation.

[Added 2004-12-02 by By-law 1049-2004]

No owner or driver of a pedicab shall engage in aggressive solicitation.

§ 545-29. No pedicabs on sidewalks.

[Amended 2004-12-02 by By-law 1049-2004]

No owner or driver shall permit a pedicab to be on a sidewalk or obstruct the roadway while the pedicab is hired or available for hire.

§ 545-29.1. Operation of pedicabs on streets.

[Added 2004-12-02 by By-law 1049-2004]

No driver shall operate a pedicab and no owner shall allow a pedicab to be operated on the roadway between the hours of 3:30 p.m. and 6:30 p.m. on Monday through Friday, excluding statutory holidays.

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§ 545-29.2. Restricted areas.

[Added 2005-06-16 by By-law 512-2005]

No driver shall operate a pedicab and no owner shall allow a pedicab to be operated on the roadway or sidewalk in the following areas:

- A. King Street between Spadina Avenue and Jarvis Street;
- B. Queen Street between Spadina Avenue and Jarvis Street;
- C. Gerrard Street between Yonge Street and Bay Street; and
- D. Front Street between Spadina Avenue and Jarvis Street.

§ 545-30. Sign to be posted on pedicab.

- A. Every owner shall affix and maintain a sign on each pedicab for which such owner holds a licence.
- B. Such sign shall:
 - (1) Be in a place on or in the pedicab as approved by the Executive Director or his or her designate;
 - (2) Be plainly readable by any passenger in or near the pedicab;
 - (3) Be 41 centimetres long and 21 centimetres high, with lettering in a highly contrasting colour that is at least 5 centimetres high; **[Amended 2004-12-02 by By-law 1049-2004]**
 - (4) State all fares to be charged for hiring the pedicab in accordance with § 545-33A, including a statement that fares are calculated on the basis of time and not per passenger; **[Amended 2004-12-02 by By-law 1049-2004; 2005-06-16 by By-law 512-2005]**
 - (5) State the current rate of exchange for United States' dollars; **[Amended 2004-12-02 by By-law 1049-2004]**
 - (6) State that the driver is required to agree to the fare in writing prior to commencement of the trip; and **[Amended 2004-12-02 by By-law 1049-2004]**
 - (7) Be inspected and approved by the Executive Director or his or her delegate. **[Added 2004-12-02 by By-law 1049-2004; amended 2015-10-02 by By-law 973-2015]**

§ 545-31. "Slow moving vehicle" sign.

In addition to the sign referred to in § 545-30 of this article, every owner shall affix and maintain a sign on each pedicab for which such owner holds a licence, clearly displaying the words "slow moving vehicle".

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§ 545-32. Receipt; written agreement to fare.

[Amended 2004-12-02 by By-law 1049-2004; 2015-10-02 by By-law 973-2015]

- A. Every owner or driver shall give a passenger a receipt showing the date and time of the trip, the owner's full name and licence number, the plate number of the pedicab, and the driver's full name and licence number.
- B. Every owner or driver shall agree in writing to the fare to be charged for every trip prior to commencement of the trip in a form approved by the Executive Director or his or her delegate.

§ 545-33. Schedule of rates.

[Amended 2004-12-02 by By-law 1049-2004; 2005-06-16 by By-law 512-2005; 2008-03-05 by By-law 219-2008]

No owner and no driver shall calculate fares on any basis other than time, and the number of passengers shall not be used in any way to calculate any rates, fares or payments.

§ 545-34. Use or possession of liquor by drivers.

No owner or driver shall take, consume or have in his or her possession any liquor while he or she is in charge of a pedicab, nor shall the use of liquor by him or her be apparent while he or she is in charge of any such pedicab.

§ 545-35. Drivers to hold valid Ontario driver's licence.

[Amended 2004-12-02 by By-law 1049-2004]

- A. Every owner and every driver shall hold a valid Ontario driver's licence, which shall be carried with him or her at all times while the pedicab is hired or available for hire, and shall produce his or her Ontario driver's licence for inspection to any municipal law enforcement officer or peace officer upon request.
- B. Every owner shall ensure that the driver of his or her pedicab holds a valid Ontario driver's licence.

§ 545-36. Owners to ensure compliance by drivers.

Every owner shall ensure that every driver involved in the operation of his or her pedicab complies in full with the provisions of this chapter in respect of such pedicab.

§ 545-37. Owners to know those in custody or control of pedicabs.

Every owner shall maintain knowledge at all times of the identity of any person having custody or control over his or her pedicab.

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ARTICLE IV
Refreshments Sold from Vehicles

§ 545-38. Owners, operators, and drivers of, and employees in, vehicles from which refreshments, other than those described in § 545-39, are sold for consumption by the public.

- A. Every owner, operator and driver of, and every employee in, a vehicle from which refreshments (other than those described in § 545-39) are sold for consumption by the public shall observe and comply with the following regulations or cause the same to be observed and complied with: **[Amended 2013-12-18 by By-law 1730-2013]**
- (1) The vehicle from which the refreshments are sold shall be of a type approved by the Municipal Licensing and Standards Division, provided that the Municipal Licensing and Standards Division shall not approve any such vehicle which is not a motor vehicle, unless such vehicle is capable of being moved from place to place by any person using it pursuant to a trade, business or occupation.
 - (2) All condiments, milk, cream and sugar shall be dispensed from containers approved by the Municipal Licensing and Standards Division.
 - (3) Reserved.⁶⁹
 - (4) Every person selling or handling refreshments shall wear clean clothes, be clean and neat in appearance, and shall have clean hands. **[Amended 2006-07-27 by By-law 678-2006⁷⁰]**
 - (5) The vehicle and all parts and equipment thereof for use in the dispensing of refreshments shall at all times be kept in a clean and sanitary condition and in good repair.
 - (6) Reserved.
 - (7) All sandwiches, cakes, doughnuts, hot dogs, hamburgers, pies and other similar foods shall be wrapped and sold in individual servings.
 - (8) The date of preparation shall be clearly and legibly marked as such on or affixed to the wrapper of all sandwiches sold from the vehicle.
 - (9) No prepared foods other than those kept in unopened cans shall be sold more than 24 hours after their preparation.
 - (10) Reserved.
 - (11) All refreshments sold from the vehicle shall be clean, fresh and wholesome.
- B. No owner to whom this section relates shall permit or allow any person other than a licensed driver employed by the owner to operate any refreshment vehicle (other than a coffee truck) or any person other than a licensed driver or other employee of the owner to

⁶⁹ Editor's Note: Subsections 545-38A(3), (6) and (10) were deleted by By-law 393-2014.

⁷⁰ Editor's Note: This by-law provided that it comes into force September 1, 2006.

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assist in the sale of refreshments from the vehicle. [**Amended 2011-04-13 by By-law 518-2011**⁷¹; **2013-12-18 by By-law 1730-2013**]

- C. Reserved.⁷²
- D. Every owner, operator and driver of, and every employee in, a motor vehicle to which this article relates shall comply with, or cause to be complied with, the following regulations: [**Amended 2013-12-18 by By-law 1730-2013**]
- (1) The owner of a vehicle shall at all times display in such vehicle in a conspicuous place accessible to the public a copy of all regulations contained in this section, together with the licence for the said vehicle.
 - (2) The body, doors and windows of such vehicle shall be of sufficiently sound construction to provide reasonable protection against dust, dirt, flies and other injurious matter or things.
 - (3) The interior of the vehicle shall be of a light colour and shall be repainted or refinished as often as required by the Municipal Licensing and Standards Division.
 - (4) The floor of such vehicle shall be of a suitable impervious material, free of holes, cracks or crevices, and the surface thereof shall be readily washable and shall be kept clean and in good condition.
 - (5) The storage shelves therein shall be painted or covered with suitable impervious materials.
 - (6) The vehicle shall have painted in contrasting colour on both side panels in letters and figures at least 10 centimetres high the name and business address of the owner thereof; and below such name and address in letters at least 6.3 centimetres high the words "Toronto Licence" followed by the licence number of such vehicle in figures at least 15 centimetres high.
 - (7) The vehicle shall be equipped with either a metal waste container with a self-closing lid which shall be kept at all times in a clean and sanitary condition and emptied at least once daily, or a disposable litter container which shall be replaced daily; and such containers shall be used for the disposal of all waste. [**Amended 2017-04-28 by By-law 426-2017**⁷³]
- E. Every owner shall take out a separate licence for each refreshment vehicle owned by him or her, and the plate issued in respect of such licence shall be securely affixed to the rear of the vehicle.
- F. Every owner of a refreshment vehicle shall, whenever required to do so by the Municipal Licensing and Standards Division, bring such vehicle to any person designated by the

⁷¹ Editor's Note: This by-law provided that it is deemed to have come into force January 27, 2010.

⁷² Editor's Note: Subsection 545-38(C) was deleted by By-law 393-2014.

⁷³ Editor's Note: By-law 426-2017 came into force May 1, 2017.

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Executive Director to inspect the same, at the place and time indicated by the Municipal Licensing and Standards Division.

- G. No refreshments shall be sold from a vehicle drawn by an animal.
- H. Every owner and operator of a refreshment vehicle to which this section relates shall:
- (1) At the time he or she receives his or her licence, specify to the Municipal Licensing and Standards Division the source of supply of all refreshments to be sold from the vehicle;
 - (2) Notify the Municipal Licensing and Standards Division forthwith of any change in such source of supply; and
 - (3) Refrain from selling or permitting to be sold from the vehicle any refreshments from a source of supply other than that specified by him or her to the Municipal Licensing and Standards Division.
- I. Every owner of a refreshment vehicle shall for each such vehicle procure a policy of insurance endorsed to the effect that the Municipal Licensing and Standards Division shall be given at least 10 days' notice in writing of any cancellation, expiration or variation in the amount of the policy and insuring in at least the amount of \$1,000,000 (exclusive of interest and costs) comprehensive against loss or damage resulting from bodily injury to or death of one or more persons, or from loss of or damage to property resulting from any one accident. A certified copy or certificate of such policy shall be deposited with the Municipal Licensing and Standards Division. **[Amended 2003-04-16 by By-law 248-2003⁷⁴]**
- J. Every owner, operator, driver of, and every employee in, a vehicle to which this article relates, other than a motor vehicle, shall observe and comply with the following regulations or cause the same to be observed and complied with: **[Amended 2013-12-18 by By-law 1730-2013]**
- (1) At the time of application for an owner's licence, the applicant shall file with the Municipal Licensing and Standards Division a detailed scaled drawing of the vehicle, and a statement setting out the weight of the vehicle.
 - (2) Every owner of a vehicle equipped with a propane heater must at the time of filing his or her application for a licence, and upon application for a renewal thereof, provide a report from the Fuels Safety Branch, Technical Standards and Safety Authority that such vehicle meets the requirements of the propane storage, handling and utilisation code adopted in the regulations to the Energy Act, as amended.
 - (3) Every vehicle equipped with a heater shall also be equipped with a fire extinguisher having a 4BC rating.

⁷⁴ Editor's Note: The increased insurance amount enacted by this by-law is effective for each licensed vehicle or business on the next insurance policy renewal date for that vehicle or business following the date on which this by-law comes into force; this by-law comes into force June 1, 2003.

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- (4) Every person applying for an owner's licence or a renewal thereof must produce a report in writing from the Medical Officer of Health confirming that the vehicle has been inspected, is in a sanitary condition and is suitable for the purpose of the licence application.
- (5) Every vehicle shall be equipped with a compartment for storage of a garbage container or bag, and no person shall vend with or from such vehicle without making available to the public a container or bag or other receptacle for the disposal of waste. **[Amended 2017-04-28 by By-law 426-2017⁷⁵]**
- (6) Every vehicle shall have the name of the owner in letters not less than 10 centimetres high, and the Toronto Licence number in numerals not less than 15 centimetres high, painted on the side of such vehicle.
- (7) No vehicle licensed under this subsection shall be used for the preparation or sale of food products except those permitted under Ontario Regulation 562 made under the Health Protection and Promotion Act, subject to compliance with the requirements of this chapter and the approval of the Medical Officer of Health. **[Added 2007-07-19 by By-law 878-2007; amended 2012-07-13 by By-law 1042-2012]**
- (8) Reserved.⁷⁶

§ 545-39. Owners, operators, drivers of and assistants in vehicles from which ice cream, ice cream cones, frozen desserts and other frozen confections are sold.

- A. Every owner and operator of a refreshment vehicle to which this section relates shall observe and comply with or cause to be observed and complied with the following regulations:
 - (1) Separation of cab.
 - (a) Subject to Subsection A(1)(b) and (c), the vehicle shall be of an enclosed commercial type so designed that the cab is entirely separated and partitioned from, and has no direct access to, the body of the vehicle used for the storage and dispensing of refreshments.
 - (b) Reserved.⁷⁷
 - (c) Subsection A(1)(a) does not apply where the vehicle is equipped with a 360° mirror system as approved by the Municipal Licensing and Standards Division, which enables a driver or operator of the vehicle to view the perimeter of the truck while seated in the driver's seat.
 - (2) The vehicle and all parts, equipment and processes used for the preparation, storage or dispensing of food must meet the requirements of the regulation regarding Food Premises, R.R.O. 1990, Regulation 562, made under the Health Protection and

⁷⁵ Editor's Note: By-law 426-2017 came into force May 1, 2017.

⁷⁶ Editor's Note: Subsection 545-38J(8) was deleted by By-law 393-2014.

⁷⁷ Editor's Note: Subsection 545-39A(1)(b) was deleted by By-law 393-2014.

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Promotion Act, as amended, and be approved by the Medical Officer of Health.
[Amended 2014-05-08 by By-law 393-2014]

- (3) All vehicles shall be equipped with a properly maintained and operational audible sound-emitting warning device which is activated when the vehicle is operating in reverse.
- (4) The body, doors and windows of such vehicle shall be of sufficiently sound construction to provide reasonable protection against dust, dirt, flies and other injurious matter or things.
- (5) The interior of the vehicle shall be of a light colour and shall be repainted or refinished as often as required by the Municipal Licensing and Standards Division.
- (6) The floor of such vehicle shall be of a suitable impervious material, free of holes, cracks or crevices, and the surface thereof shall be readily washable and shall be kept clean and in good condition.
- (7) The storage shelves in the vehicle shall be painted or shall consist of a suitable impervious material.
- (8) The vehicle shall be equipped with either a metal waste container with a self-closing lid which shall be kept at all times in a clean and sanitary condition and emptied at least once daily, or a disposable litter container which shall be replaced daily; and such containers shall be used for the disposal of all waste. **[Amended 2017-04-28 by By-law 426-2017⁷⁸]**
- (9) Equipment to be kept in sanitary condition; portable litter basket.
 - (a) The vehicle and all parts and equipment thereof for use in the dispensing of refreshments shall at all times be maintained in a clean and sanitary condition and in good repair.
 - (b) The vehicle shall be equipped with a portable litter basket which shall be carried inside the vehicle while in motion and shall be suspended from the outside of the vehicle in such a position as to be easily accessible by persons making purchases while the vehicle is stopped for the sale of products to which this section relates.
- (10) Temperature of food storage area; products to remain frozen.
 - (a) The storage area of vehicles from which hard ice cream and related products are sold shall be maintained at a temperature no higher than - 18 degrees Celsius and such area shall be equipped with an accurate, indicating thermometer.
[Amended 2014-05-08 by By-law 393-2014]
 - (b) Such hard ice cream and related products shall be maintained in a hard condition in the vehicle at all times.

⁷⁸ Editor's Note: By-law 426-2017 came into force May 1, 2017.

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- (c) No thawed or partially thawed products shall be refrozen, stored or sold from the vehicle.
- (11) Refreshment vehicles from which soft ice cream and related products are sold shall have:
- (a) Two sinks of adequate size and of non-corrodible material equipped with hot running water;
 - (b) A tank to receive sink wastes;
 - (c) A refrigerated cabinet for storage of ice cream mix and other milk products which cabinet shall be maintained at a temperature no higher than 4 degrees Celsius and shall be equipped with an accurate, indicating thermometer;
[Amended 2014-05-08 by By-law 393-2014]
 - (d) Storage for dry products, sundae toppings, and syrups, which storage shall be easily cleanable and where necessary of a type readily dismantled for cleaning;
 - (e) All dispensing equipment, whether for dry cones, single service containers, ice cream, syrups or toppings, of sanitary design;
 - (f) Mechanical air-conditioning in the vending and dispensing part of the vehicle;
 - (g) Adequate insulation to prevent fumes from the engine or engines from reaching the vending and dispensing section of the vehicle; and
 - (h) Screens or other devices to ensure adequate protection against flies and dust.
- (12) Every vehicle shall have attached thereto at the top or near the highest point thereof at least two amber lights visible by a person 1.52 metres in height at a distance of not more than 1.2 metres in front of or behind the vehicle, and the vehicle shall be equipped with a mechanical device causing such amber lights to flash alternately at all times when the vehicle is stopped for the sale of ice cream products and other frozen confections, and such device shall be so operated at all such times.
- (13) Every vehicle shall have conspicuously displayed on the rear thereof in black letters on a yellow background "WATCH FOR CHILDREN" in letters at least 15 centimetres high, and such background shall be at least 22.8 centimetres high.
- (14) Every vehicle shall have a cover over each of its bumpers which cover shall be on a curve or angle to the rear of the vehicle.
- (15) Every refreshment vehicle to which this section relates shall have painted in contrasting colour on both side panels in letters and figures at least 10 centimetres high the name and business address of the owner thereof; and below such name and address in letters at least 6.3 centimetres high the words "Toronto Licence" followed by the licence number of such vehicle in figures at least 15 centimetres high.
- (16) Every owner and operator of a refreshment vehicle to which this section relates shall:

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- (a) At the time he or she receives his or her licence, specify to the Municipal Licensing and Standards Division the source of supply of all refreshments to be sold from the vehicle;
 - (b) Notify the Municipal Licensing and Standards Division forthwith of any change in such source of supply; and
 - (c) Refrain from selling or permitting to be sold from the vehicle any refreshments from a source of supply other than that specified by him or her to the Municipal Licensing and Standards Division.
- (17) No vehicle licensed under this section shall be used for the sale of products other than those to which this section relates.
- (18) None of the products mentioned in this section shall be sold from a vehicle other than a motor vehicle.
- (19) Every owner shall take out a separate licence for each vehicle selling products to which this section relates, and such licence shall be prominently displayed thereon and the plate issued in respect of such licence shall be securely affixed to the rear of such vehicle.
- (20) No person to whom this section relates shall sell any products to which this section relates not prepared, assembled and wrapped in premises and under conditions complying entirely with the requirements of the Medical Officer of Health.
- (21) Every owner of a refreshment vehicle to which this section relates shall, whenever required so to do by the Municipal Licensing and Standards Division, bring such vehicle to any person designated by the Executive Director for inspection at the place and time indicated by the Municipal Licensing and Standards Division and, in any case, shall bring in and submit such vehicle for inspection both by the person designated by the Executive Director and by the Medical Officer of Health before the 31st day of March in each year.
- B. No owner to whom this section applies shall permit any person not employed by the owner to operate the refreshment vehicle or to assist in the sale of refreshments from the vehicle. **[Amended 2012-02-07 by By-law 206-2012; 2013-12-18 by By-law 1730-2013]**
- C. Every driver of and employee in and every owner and operator working in a refreshment vehicle to which this section relates shall be free of skin abrasions and communicable diseases of any sort, be clean and neat in appearance, have clean hands, and shall wear clean, light-coloured, washable outer clothing and head covering. **[Amended 2006-07-27 by By-law 678-2006⁷⁹; 2013-12-18 by By-law 1730-2013]**
- D. The driver of every refreshment vehicle to which this section relates shall:
- (1) Before departing from any stop made for the sale and dispensing of refreshments make a complete safety tour around the vehicle;

⁷⁹ Editor's Note: This by-law provided that it comes into force September 1, 2006.

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- (2) Reserved.⁸⁰
 - (3) Refuse to serve any customer standing on the travelled portion of a highway;
 - (4) Refrain from ringing bells or chimes or making any other recognizable sounds more frequently than at five-minute intervals or for more than five seconds at a time in one place, or after sunset; and
 - (5) Not permit any person not employed by the owner to assist him or her in the driving of the vehicle or to assist in or to engage in the sale and dispensing of refreshments from the vehicle. **[Amended 2013-12-18 by By-law 1730-2013]**
- E. No amplification of any sounds of recognition used on such vehicle shall be used so as to constitute a nuisance, and no engine, motor, or other device placed in, attached to or forming part of the vehicle shall be used in such a manner as to interfere with normal radio and television set reception.
- F. Every owner to whom this section relates shall, for each vehicle for which he or she holds a licence, procure a policy of insurance endorsed to the effect that the Municipal Licensing and Standards Division shall be given at least 10 days' notice in writing of any cancellation, expiration or variation in the amount of the policy and insuring in at least the amount of \$1,000,000 (exclusive of interest and costs) comprehensive against loss or damage resulting from bodily injury to or the death of one or more persons or from loss of or damage to property resulting from any one accident. A certified copy or certificate of such policy shall be deposited with the Municipal Licensing and Standards Division. **[Amended 2003-04-16 by By-law 248-2003⁸¹]**
- G. Notwithstanding the provisions of this section relating to the sale of refreshments from motor vehicles, hard ice cream may be sold from a pushcart or other vehicle propelled by muscular power which has been approved for such use by the Medical Officer of Health, subject to the provisions of Subsections A(9)(a), (10), (16), (17), (19), (20) and (21), B, C, D, E and F of this section.

ARTICLE V

§§ 545-40 to 545-66. Reserved.⁸²

ARTICLE VI

**Owners and Drivers of Tow Trucks
[Amended 2017-11-09 by By-law 1238-2017⁸³]**

⁸⁰ Editor's Note: Subsection 545-39D(2) was deleted by By-law 393-2014.

⁸¹ Editor's Note: The increased insurance amount enacted by this by-law is effective for each licensed vehicle or business on the next insurance policy renewal date for that vehicle or business following the date on which this by-law comes into force; this by-law comes into force June 1, 2003.

⁸² Editor's Note: Art. V, Owners and drivers of horse-drawn vehicles used or kept for hire for the purposes of providing sightseeing tours, was deleted October 2, 2015 by By-law 973-2015.

⁸³ Editor's Note: Article VI, Owners and Drivers of Tow Trucks, was amended in its entirety on November 9, 2017 by By-law 1238-2017.

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§ 545-67. Definitions.

As used in this article, the following terms shall have the meanings indicated:

ACCIDENT TOWING FEE - The maximum fee for accident tows set by the Executive Director or designate, determined by adjusting the 2017 fee of \$250.00 to account for annual changes in the Consumer Price Index for the Toronto Census Metropolitan Area as reported by Statistics Canada in CANSIM Table 326-0021 or any successor table, plus applicable taxes.

DRIVER - A driver of a tow truck who is licensed or is required to be licensed under this chapter, including a tow truck owner who drives a tow truck he or she owns.

GROSS VEHICLE WEIGHT RATING (GVWR) - The maximum total vehicle rated capacity, as rated by the manufacturer specification stamp on the vehicle, which includes the weight of the vehicle's chassis, body, engine, engine fluids, fuel, accessories, driver, passengers and cargo.

HIRER - The owner of a towed vehicle or, in the absence of such owner:

- A. An agent of the owner of a towed vehicle, duly authorized by such owner to exercise control over the vehicle on the owner's behalf; or
- B. Any person having lawful custody or the legal right to possession of a towed vehicle.

MECHANIC - An inspecting mechanic at a motor vehicle inspection station.

OWNER - An owner of a tow truck who is licensed or required to be licensed under this chapter.

RECOVERY SERVICES - A service carried out to relocate or reposition a vehicle that involves the use of a winch or a specialized extraction device and that must be performed to prepare a vehicle for attachment or towing, but does not include the use of a hoisting device, a hook, a dolly, a flat bed, or other standard equipment used in the towing of a vehicle.

TORONTO POLICE SERVICE CONTRACT RATE - The fees to be charged for regulated tows from private property, including release on scene fees and storage fees, set by the Executive Director or designate, and determined in accordance with the rates specified in the Toronto Police Services Towing and Storage Contracts or any equivalent successor contracts or agreements, as most recently approved or amended by the Toronto Police Services Board.

TOW/TOWING - The tow, removal, or conveyance of a vehicle by a tow truck, and towing shall have a corresponding meaning.

TOWED VEHICLE - A vehicle:

- A. Towed by a tow truck; and

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- B. In respect of which an agreement is made or intended to be made for the towing of such vehicle or the provision of related services, by the owner or driver of a tow truck.

TOW TRUCK BROKER - A person who, in pursuance of a trade, business or occupation, arranges for the provision to a hirer of the services of a tow truck not owned by such person.

§ 545-68. Separate owner's licence required for each tow truck.

Every owner shall take out a separate licence for each tow truck he or she owns.

§ 545-69. Application requirements for owner's licence.

Every person applying for a tow truck owner's licence shall:

- A. Attend the offices of the Municipal Licensing and Standards Division in person;
- B. Complete the prescribed forms and furnish to the Municipal Licensing and Standards Division such information as the Executive Director may direct; and
- C. Produce the Provincial motor vehicle permit issued with respect to the tow truck.

§ 545-70. Insurance requirements.

- A. Every person applying for a tow truck owner's licence under this chapter shall, before receiving such licence, take out a policy or policies of insurance from an insurer licensed under the Insurance Act endorsed to the effect that the Municipal Licensing and Standards Division shall be given at least 10 days' notice in writing of the cancellation or expiration of the policy or policies, and insuring each tow truck in at least the following amounts:
 - (1) In respect of any one accident, to the limit of at least \$2,000,000 exclusive of interest and costs, against liability resulting from bodily injury to or the death of one or more persons and loss of or damage to property;
 - (2) Insurance in the amount of at least \$100,000 against legal liability for damage to customers' vehicles while in the care, custody, or control of the applicant or licensee as the case may be, caused by collision, upset, fire, lightning, theft or attempted theft, malicious mischief, windstorm, hail, explosion, riot, civil commotion, or flood;
 - (3) Cargo.
 - (a) Cargo liability insurance of at least \$50,000 to indemnify the licensee if found liable for direct physical loss or damage to vehicles and goods accepted by the licensee for towing caused by:

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- [1] Fire, lightning, self-ignition, explosion.
 - [2] Flood.
 - [3] Cyclone, hurricane or tornado.
 - [4] Collision, i.e., accidental collision of the tow truck or towed vehicle with any other vehicle or object.
 - [5] Overturning of the tow truck or the towed vehicle, or jack-knifing of a vehicle or combination of vehicles.
 - [6] Collapse of bridges, docks or culverts.
 - [7] Theft of a vehicle or its parts or of goods left in the towed or conveyed vehicle.
- (b) It shall be permissible to exclude the insured's legal liability in respect of cargo arising from loss or damage:
- [1] To money, notes, securities, stamps, accounts, bills, deeds, evidence of debt, letters of credit, passports, documents, railroad or other tickets, valuable papers, original plans, original drawings and specifications, books of account (except for blank value), or similar valuables.
 - [2] To furs, jewels, jewellery, watches, pearls, precious and semi-precious stones, gold, silver, platinum or other similar valuables.
 - [3] To paintings, statuary, or other works of art and articles of virtue (except against absolute, total loss in specie).
 - [4] To live animals or birds, except from death or from injury rendering death immediately necessary in consequence of a peril listed in Subsections A(3)(a)[1] to [7].
 - [5] Caused by, or resulting from, delay, loss or use or loss of market or any other consequential or indirect loss of any kind, however caused.
 - [6] Caused by breakage of eggs.
 - [7] Caused by, or resulting from, strikers, locked-out workers or persons taking part in labour disturbance, riots, or civil commotion.
 - [8] Caused by war, invasion, act of a foreign enemy, hostilities, civil war, rebellion, revolution, insurrection or military power.
 - [9] Caused by, or resulting from, contamination by radioactive material.

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- B. A certified copy of the applicable insurance policy or policies, or a certificate covering the same, shall be filed with the Municipal Licensing and Standards Division.

§ 545-71. Owners to ensure drivers are licensed.

No owner shall permit any person to use his or her tow truck to tow a vehicle unless that person holds a tow truck driver's licence under this chapter.

§ 545-72. Application requirements for driver's licence or driving endorsement.

- A. An owner who is an individual person and who has been granted a driving endorsement on his or her tow truck owner's licence may drive any tow truck the owner owns.
- B. Every applicant for a tow truck driver's licence or for a driving endorsement on his or her tow truck owner's licence shall:
- (1) Produce with the application a Provincial driver's licence of a class authorizing the owner to drive a tow truck; and
 - (2) Submit with the application three photographs of himself or herself, one to be attached to the licence and the others to be filed, and, upon application for renewal of any licence, shall submit new photographs if required to do so by the Municipal Licensing and Standards Division.

§ 545-73. Drivers to ensure owners are licensed; drivers to maintain control of tow truck.

- A. No driver shall use a tow truck to tow a vehicle unless the owner of the tow truck holds a valid tow truck owner's licence in respect of the tow truck issued under this chapter.
- B. No driver, while having the care and control of a tow truck, shall permit any person to use it to tow a vehicle unless that person holds a tow truck driver's licence under this chapter.

§ 545-74. Driver's licence required; licence suspended if driver's licence suspended.

- A. Every driver shall have and maintain in good standing an Ontario driver's licence of a class authorizing the driver to drive a tow truck.
- B. If a person's Ontario driver's licence is suspended or revoked, the person's tow truck driver's licence or owner's driving endorsement shall be deemed suspended for the entirety of the period that the Ontario driver's licence is suspended or revoked.

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§ 545-75. Owner's licence non-transferable.

No owner shall by an arrangement or agreement permit the use of his or her tow truck owner's licence or driving endorsement in respect of any tow truck he or she does not own.

§ 545-76. Presentation of identification and licence upon request.

Every driver and every owner carrying on the trade, business or occupation to which this article relates shall provide his or her name, residential address, business address, and their tow truck owner's or driver's licence, if one has been issued under this chapter, to the Municipal Licensing and Standards Division or any police officer upon request.

§ 545-77. Annual return to be filed.

On or before April 30 of each year, every limited company owning or having direct or indirect interest in a tow truck shall file with the Municipal Licensing and Standards Division an annual return on a form supplied by the Municipal Licensing and Standards Division.

§ 545-78. Licences held by limited companies; transfer of shares and issuance of new shares; reporting requirements.

- A. Where a limited company holds any tow truck owner's licence, it shall immediately notify the Municipal Licensing and Standards Division in writing of all transfers of existing shares and of the issue of all new shares of the capital stock of the company.
- B. Where, as a result of the transfer of existing shares or by the issue of new shares of a limited company, the Municipal Licensing and Standards Division has reasonable grounds to believe that the limited company may not be entitled to the continuation of its tow truck owner's licence in accordance with this chapter, the Toronto Licensing Tribunal may determine whether the licence shall be revoked or have conditions placed on it.
- C. Where, as a result of the transfer of existing shares or by the issue of new shares of a limited company, the Municipal Licensing and Standards Division determines that the controlling interest in a limited company holding a tow truck licence is sold, transferred or acquired, such licence shall be terminated immediately, and the Municipal Licensing and Standards Division may issue a new licence upon payment of the prescribed fees.
- D. Where the shares in a corporate owner are owned in whole or in part by any other limited company, such other company shall file with the Municipal Licensing and Standards Division, at the same time as the owner, an annual return as required by § 545-77 of this article, and if the return discloses that the shares in such other company are in turn owned in whole or in part by a third limited company, then such third limited company shall likewise file an annual return under § 545-77, and so on until the names of individual persons not being limited companies are shown and identified as the shareholders of any and all companies having an interest, direct or indirect, in any tow truck owner's licence.

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- E. Every limited company that holds a tow truck owner's licence shall immediately notify the Municipal Licensing and Standards Division of all transfers of existing shares and of the issue of all new shares of the capital stock of every company referred to in Subsection D.

§ 545-79. Information to be provided concerning vehicle storage yards.

- A. Every owner and driver who owns or has any interest, either directly or indirectly, in a pound, yard, shop, public garage, or any other type of premises used for the storage, impounding, repair, or servicing of motor vehicles, shall, before receiving a licence as an owner or driver, provide and file with the Municipal Licensing and Standards Division full information as to the location and size of such premises and its facilities, the kind and extent of his or her interest in the premises, and full particulars of any contract, arrangement, agreement, or understanding giving such interest.
- B. Where the owner of a tow truck resides, or has a head office or any other business office outside the City of Toronto, or owns or has an interest in any type of premises referred to in Subsection A located outside the City of Toronto, the owner shall notify the Municipal Licensing and Standards Division of the number and type of any licenses issued to him or her by any other municipality or licensing authority.

§ 545-80. Notice of changes in address.

- A. Every owner or driver licensed under this chapter shall give his or her new address to the Municipal Licensing and Standards Division within 48 hours of any change in address.
- B. A limited corporation licensed as a tow truck owner shall give the Municipal Licensing and Standards Division the new address of any person owning 50 percent or more of the outstanding issued shares in such corporation, within six days of any change in address.

§ 545-81. Notice of sale or disposal of tow truck; return of number plate.

Within six days of selling, replacing, or otherwise disposing of a tow truck he or she owns, an owner shall give written notice of the transaction to the Municipal Licensing and Standards Division and return any tow truck number plate issued in respect of that tow truck.

§ 545-82. Termination of owner's licence upon sale of tow truck.

No tow truck owner's licence shall be transferred but, subject to the provisions of this chapter, an owner may sell the tow truck and its equipment to any person, and upon such sale the owner's licence issued in respect of such tow truck shall be terminated, and the Municipal Licensing and Standards Division may, in its discretion, issue a new licence to the purchaser.

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§ 545-83. Owner to maintain tow truck and equipment; notice to comply.

- A. Every owner shall keep his or her tow truck and its equipment clean and in good repair.
- B. If an owner receives a notice from the Municipal Licensing and Standards Division giving brief reasons why his or her tow truck or its equipment is not in a fit or proper condition for use, the owner shall remedy the defects within the time prescribed in such notice.

§ 545-84. Equipment to be kept in tow trucks.

- A. Every owner shall provide and maintain on or in every tow truck owned by him or her the following equipment, which equipment shall be kept in good working order at all times:
 - (1) A hoisting device of sufficient capacity to safely lift the vehicle to be towed, and a tow cradle, tow bar, or tow sling equipped and maintained to ensure the safe lifting and conveying of towed vehicles;
 - (2) One device for securing the steering wheel of a vehicle;
 - (3) At least one fire extinguisher of the following description: 1.25 kilogram dry chemical of a type capable of functioning at - 40 degrees Celsius;
 - (4) At least two safety chains having a minimum length of 2.7432 metres, each comprised of links of at least 7.9375 millimetres steel;
 - (5) An audible warning system connected to the tow truck's backup lamps that is automatically activated when the tow truck is in reverse gear;
 - (6) A lamp that produces intermittent flashes of amber light installed on the roof;
 - (7) A functioning digital camera or camera-enabled mobile phone; and
 - (8) A high-visibility, fluorescent safety vest for use by drivers.
- B. No owner shall permit his or her tow truck to be used for hire and no driver shall use a tow truck for hire unless it is fully equipped as required by this section.

§ 545-85. Identification of tow trucks; use of tow truck number plates.

- A. Every owner shall at all times have a valid and subsisting tow truck number plate issued by the Municipal Licensing and Standards Division for that tow truck prominently affixed to the rear portion on the outside of the tow truck in a clearly visible position.
- B. Every owner shall have on both sides of the body of his or her tow truck in a clearly visible position:

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- (1) A sign showing the owner's name in letters and figures of not less than eight centimetres in height; and
 - (2) The number on the tow truck plate referred to in Subsection A painted in numbers at least 15 centimetres high in a contrasting colour to the sides of the tow truck.
- C. Every owner who permits a tow truck number plate supplied to him or her to be affixed to a tow truck other than in accordance with this article shall be required to attend before the Toronto Licensing Tribunal for a hearing to determine whether or not the owner's licence should be revoked.

§ 545-86. Hoisting device to be kept lowered.

Every owner and driver shall keep the hoisting device required by § 545-84A(1) lowered at all times when the tow truck is in motion, unless it is towing a vehicle.

§ 545-87. Dolly affixed to tow truck not to obstruct view.

- A. Every owner shall ensure that any dolly affixed to his or her tow truck is affixed in a manner that does not obstruct the driver's view to the rear of the tow truck.
- B. No driver shall use any tow truck that is equipped with a dolly if such dolly is affixed in a manner that obstructs the view to the rear of the tow truck.

§ 545-88. Maintenance of tow truck and equipment.

No owner shall permit his or her tow truck to be driven or operated and no driver shall drive or operate a tow truck unless the tow truck and its equipment are:

- A. Clean as to its exterior;
- B. In good repair as to its exterior;
- C. Free from mechanical defects; and
- D. Equipped with a plate supplied by the Municipal Licensing and Standards Division securely affixed as required by § 545-85A.

§ 545-89. Inspection of tow truck and equipment by mechanic; failure to comply.

- A. Every owner shall submit his or her tow truck and its equipment for examination by a mechanic before being issued a corresponding owner's licence, and once a year afterward.
- B. Where there are reasonable grounds to believe that a tow truck or its equipment is

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mechanically or physically defective, the Municipal Licensing and Standards Division shall give written notice to the owner or driver requiring him or her to submit the tow truck for examination by a mechanic within 48 hours.

- C. Where there are reasonable and probable grounds to believe that a tow truck or its equipment is dangerous or unsafe, the Municipal Licensing and Standards Division may remove its tow truck number plate from the vehicle and shall require the owner or driver to submit the tow truck for examination by a mechanic immediately.
- D. An owner or driver who fails to submit a tow truck and its equipment for examination by a mechanic as required by this section is guilty of an offence.
- E. When a tow truck is examined by a mechanic who reports in writing that the tow truck or its equipment is mechanically defective, the owner shall not drive or operate the tow truck or permit it to be driven or operated until the mechanic certifies in writing that the reported physical or mechanical defects have been corrected.
- F. When a tow truck is examined by a mechanic who gives reasons in writing that the tow truck or its equipment is dangerous or unsafe, and until the mechanic certifies in writing that the tow truck and its equipment are no longer dangerous or unsafe:
 - (1) The Municipal Licensing and Standards Division shall immediately remove its tow truck number plate from the vehicle, and keep it in its custody; and
 - (2) The owner of the tow truck shall not permit the tow truck to be used.

§ 545-90. Suspension of licence if tow truck not examined.

Where a tow truck and its equipment are not produced for examination by a mechanic within the applicable period required by § 545-89, the Executive Director or designate may, notwithstanding anything else in this chapter, suspend the related tow truck owner's licence until the tow truck and its equipment have been examined and approved.

§ 545-91. Return of number plates.

Every tow truck number plate furnished by the Municipal Licensing and Standards Division shall be returned to the Municipal Licensing and Standards Division immediately upon demand.

§ 545-92. Owner to keep copy of licences and schedule of maximum rates in tow truck.

- A. Every owner shall, while his or her tow truck is operating as such, keep in the vehicle copies of any licences issued under this chapter in relation to the tow truck.
- B. Every owner shall keep in his or her tow truck a copy of the applicable schedule of maximum rates filed in accordance with § 545-110.

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§ 545-93. Owner to provide run-sheets.

- A. Every owner shall provide run sheets made in duplicate, dated and numbered consecutively, and in a form approved by the Municipal Licensing and Standards Division to any driver in charge of his or her tow truck.
- B. Every owner shall keep the original copy of all run sheets referred to in Subsection A for at least one year after the services recorded in them are provided, and shall make them available for inspection by the Municipal Licensing and Standards Division, which shall be permitted to remove and retain such records for a reasonable time.

§ 545-94. Owner to display notice concerning recommendation of repair facilities.

- A. Every owner shall display in his or her tow truck a notice clearly visible to persons in the passenger seat of the tow truck displaying the words "The tow truck driver may not recommend a body shop or other vehicle repair facility – Municipal Code Chapter 545. Failure to comply may result in a hearing to determine whether the tow truck operator's licence should be suspended, revoked or have conditions placed on it."
- B. No owner shall permit the operation of his or her tow truck and no driver shall operate such tow truck unless the notice required by Subsection A is properly displayed.

§ 545-95. Daily records to be kept by owner.

Every owner shall keep a permanent daily record of work performed by the owner and his or her tow truck with the name and address of every hirer, a description of the vehicle towed including its Provincial vehicle permit number, the rate charged, and the total fee collected, and give the Municipal Licensing and Standards Division access to such records at all times.

§ 545-96. Requirements of advertising material; retention by owners.

- A. Every owner shall ensure that all stationery, forms, bills, invoices, statements and any other printed or written advertising material, including any advertisement in a newspaper, periodical, directory or other publication used by such owner in the course of such business, bear in clearly legible text the name, address, and Toronto licence number of such owner, and the name of any tow truck broker offering the services the owner's tow truck.
- B. Every owner shall retain copies of all matter used to advertise his or her tow truck for 60 days and shall produce it to the Municipal Licensing and Standards Division upon request.

§ 545-97. Owners to notify of agreements to transfer control of tow truck.

Every owner who, by any agreement or arrangement, gives to another person the right to control

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and possession of the tow truck he or she owns for a period of more than one normal driver's shift or permits the use of the said tow truck by any other person, other than through a bona fide contract of hiring, for a period longer than one day, shall immediately notify the Municipal Licensing and Standards Division in writing of the particulars of the agreement or arrangement and, where it is in writing, file it with the Municipal Licensing and Standards Division.

§ 545-98. Drivers to carry licence.

Every driver shall carry his or her tow truck driver's licence or driving endorsement all times while driving a tow truck and shall produce it for inspection when requested to do so by the Municipal Licensing and Standards Division, a police officer, or a by-law enforcement officer.

§ 545-99. Drivers to examine tow truck before and after each shift.

Every driver shall, before starting and after finishing each work shift, examine the tow truck he will use or has used for the shift, and every driver shall report any defects in the tow truck to its owner immediately upon becoming aware of them.

§ 545-100. Drivers to wear personal protective equipment.

Every driver shall wear personal protective equipment while performing services on any municipal road or highway.

§ 545-101. Driving in reverse.

No driver shall drive any tow truck in reverse gear unless:

- A. The audible warning system required by § 545-84A(5) is activated; and
- B. The flashing amber light required by § 545-84A(6) is activated.

§ 545-102. Drivers to fill out run-sheets.

Every driver shall, for every vehicle towed, record on the run sheet referred to in § 545-93 the name and address of the tow truck owner, the name of the hirer, the date, origin and destination of each trip or service to be performed, the permitted rate or fee under this article, and the towed vehicle's Provincial motor vehicle permit number.

§ 545-103. Drivers to use most direct route; prohibition of intermediate stops.

- A. Every driver shall tow a vehicle by the most direct route reasonably possible in the circumstances and in the most efficient manner, unless otherwise directed by the hirer.
- B. No driver shall make any intermediate stop when towing a vehicle to a collision reporting centre as directed by a police officer or to a destination specified by a hirer.

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§ 545-104. Duties of owners and drivers upon being hired; solicitation of tow truck services.

- A. No driver shall tow any vehicle, or hook, lift, or connect the vehicle to a tow truck, or perform any related services, unless first requested so to do by one of the following:
- (1) A hirer;
 - (2) Any peace officer, as defined in the Criminal Code of Canada;
 - (3) Any member of a municipal fire department;
 - (4) Any person authorized by law to direct the removal of the vehicle from municipal property; or
 - (5) Subject to Subsection G, any person authorized by law to direct the removal of the vehicle from private property.
- B. Every owner or driver, upon being hired to tow a vehicle or to perform any services in respect of such vehicle, shall comply with all reasonable instructions from the hirer or other person requesting the owner's or driver's services, and, without limiting the generality of the foregoing, shall tow or convey the vehicle to the place designated by such person.
- C. No driver shall suggest or recommend to any hirer or other person requesting the driver's services that the vehicle be towed, driven or delivered to any particular salvage yard, body shop, storage yard, or any other public garage, building or place.
- D. No owner or driver shall solicit or permit any other person to solicit the hiring or use of the services of such driver or his or her tow truck, within 60 metres of the scene of an accident or any vehicle that appears to have been involved in an accident.
- E. For the purposes of Subsection D, "to solicit" includes to offer or make available in any way, or to communicate to any person the availability of, the services of a tow truck or the services of an owner or driver of a tow truck, and "solicit" has a corresponding meaning.
- F. Parking or stopping of tow trucks within 60 metres of scene of an accident.
- (1) Subject to Subsection F(2), no owner or driver shall stop a tow truck within 60 metres of the scene of an accident or a vehicle that appears to have been involved in an accident, for the purpose of receiving a request referred to in Subsection A.
 - (2) Subsection F(1) shall not prohibit the stopping of any tow truck if, at the time of stopping, there are fewer tow trucks within the distance referred to in that subsection than the number of vehicles for which the services of a tow truck are required.

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- (3) Subsection F(2) shall not prohibit the stopping of a tow truck summoned to the scene of an accident by one of the persons referred to in Subsection A.
- G. No driver shall commence to tow any vehicle from private property or hook, lift, or connect the vehicle to the tow truck, or perform any related services in relation to such vehicle without the consent of the owner of the vehicle, unless:
- (1) Subject to Subsection H, a penalty notice has been issued and served in accordance with Chapter 610, Penalties, Administration of;
- (2) A Toronto Police Services tow card has first been issued by the municipal law enforcement officer who issued the penalty notice, or by a police officer, police cadet or a municipal law enforcement officer employed by the Toronto Police Service;
- (3) All pre-conditions to the removal of vehicles contained in any applicable by-law of the City of Toronto enacted pursuant to subsections 77, 78, and 80 of the City of Toronto Act, 2006, as amended, have been complied with, including, but not limited to, any waiting periods prescribed by such by-laws; and
- (4) Signs are posted at the property from which the vehicle is to be removed in accordance with the applicable by-law of the City of Toronto enacted pursuant to subsections 77, 78, and 80 of the City of Toronto Act, 2006, as amended.
- H. Subsection G(1) does not apply to vehicles that do not bear a number plate issued under the Highway Traffic Act, as amended.

§ 545-105. Removal of vehicles at scene of police investigation.

- A. No driver shall remove any vehicle from the scene or immediate vicinity of an accident in respect of which a report is required by law to be made to a police officer, until the report has been made and the investigating officer has completed the investigation, or has stated that the presence of such vehicle is no longer required for the investigation.
- B. Notwithstanding Subsection A, a driver may remove or relocate a vehicle for the purpose of preventing injury or damage to any person or property, or for the purpose of avoiding undue interference with traffic on a highway.

§ 545-106. Drivers to comply with directions of police officers at accidents.

Every driver who tows or conveys a vehicle from the scene or immediate vicinity of an accident shall comply with all lawful instructions or directions made by a police officer.

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§ 545-107. Deposit of vehicles by drivers at collision reporting centre.

- A. Every driver who tows a vehicle to a collision reporting centre shall:
- (1) Leave the vehicle in a designated area of the collision reporting centre;
 - (2) Secure the vehicle by ensuring all doors are locked, all windows are closed, and headlights, hazard lights, and interior lights have been turned off;
 - (3) Immediately return the vehicle's keys to the hirer or to the staff of the collision reporting centre if the hirer is not present;
 - (4) Present his or her valid tow truck owner's or driver's licence issued under this chapter to collision centre staff before receiving payment for towing the vehicle; and
 - (5) Upon satisfying the requirements of this section and receiving payment, immediately leave the premises of the collision reporting centre.
- B. No driver who tows a vehicle from the scene or immediate vicinity of an accident shall suggest or recommend to the hirer in any manner whatsoever that the vehicle be taken to any body shop or vehicle repair facility prior to being taken to a collision reporting centre.

§ 545-108. Additional operating requirements of owners and drivers.

- A. Every owner and driver shall take due care of all vehicle and property delivered or entrusted to him or her for towing or safekeeping.
- B. Every owner and driver shall, in carrying on the trade, business or occupation, be properly dressed and shall be civil and well behaved.
- C. Every owner and driver shall ensure that his or her tow truck is appropriately sized for the type of vehicle being towed.
- D. No owner or driver shall knowingly interfere in any way with the hiring or use of another owner's or driver's tow truck or services where a consumer has hired or indicated an intention to hire such tow truck, except where a police officer directs the towing of a vehicle by a specific owner or driver to assist in an investigation.
- E. No owner or driver shall induce any person to employ or hire a tow truck by knowingly misleading or deceiving such person as to the location or distance of any place, or by making any false representation to such person.

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§ 545-109. Payment of drop-fees prohibited.

No owner or driver of a tow truck shall directly or indirectly pay or give to any owner or operator of a public garage, vehicle repair facility, or insurance company, or the agents or representatives thereof, any charge, gift, payment, commission or other consideration in respect of or in consideration for the towing or conveying of a motor vehicle by such owner or driver.

§ 545-110. Schedule of maximum rates to be filed and charged to hirers; rate changes.

- A. Every owner shall file with the Municipal Licensing and Standards Division a schedule of maximum rates to be charged to all hirers of a tow truck for the towing of vehicles and other services performed by any person in relation to such tow truck.
- B. No owner or driver shall demand, request, or be entitled to receive payment for services other than in conformity with the applicable schedule of maximum rates filed under Subsection A, except as provided by §§ 545-112, 113, 114 and 115.
- C. Every owner shall file an up-to-date schedule of maximum rates with the Municipal Licensing and Standards Division:
 - (1) When any changes are made to the schedule; and
 - (2) Upon renewal of the owner's licence, even if no changes have been made to the schedule.
- D. Every owner and driver shall, upon request, provide a hirer or potential hirer a copy of the applicable schedule of maximum rates filed under Subsection A as required by this section.

§ 545-111. Basis for schedule of maximum rates.

- A. The schedule of maximum rates filed in accordance with § 545-110 shall specify only maximum rates that are based solely on one or more of the following factors:
 - (1) Time:
 - (a) Time required to reach scene after hiring;
 - (b) Time required to perform services; and
 - (c) Stand-by time.
 - (2) Distance:
 - (a) Distance to travel to reach scene after hiring; and
 - (b) Distance vehicle is towed or conveyed.
 - (3) Additional services provided:

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- (a) Changing more than one wheel;
 - (b) Disconnecting drive shaft;
 - (c) Moving vehicle to towing position;
 - (d) Opening locked vehicles without keys;
 - (e) Provision and use of dolly; and
 - (f) Other specified services, but not including recovery services.
- B. Where maximum rates vary according to time of day or geographical zones, the basis for such variance shall be clearly set out in the schedule of maximum rates.
- C. Where a combination of different factors or items may determine the maximum rate to be charged, the exact formula for determining the rate shall be set out in the schedule of maximum rates.

§ 545-112. Agreement for lower rates.

- A. Despite § 545-110, an owner may enter into a written agreement with a tow truck broker, automobile association, motor league, government or local board, or limited corporation for the provision of towing services at maximum rates lower than those contained in the schedule of maximum rates filed in accordance with § 545-110, provided that:
 - (1) The agreement includes a schedule of maximum rates that is based on the same factors and is determined in the same manner as the schedule filed under § 545-110;
 - (2) A copy of the agreement, including the corresponding schedule of maximum rates, is filed with the Municipal Licensing and Standards Division at least 30 days before any services to which such contract or agreement applies are to be provided;
 - (3) At the time tow services are provided to a hirer under the agreement, the hirer is a party to the agreement or is a member or employee of such party;
 - (4) The provisions of § 545-110 relating to the filing and amending of schedules of rates shall apply to the schedule of maximum rates included with the agreement.
- B. No owner or driver to whom an agreement under this section applies shall demand or request payment for services provided under such agreement other than in accordance with the schedule of maximum rates included with such agreement.

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§ 545-113. Towing of vehicles less than 6,000 kilograms from private property; maximum towing and storage fees.

- A. This section applies to the towing and storage of vehicles with a GVWR of 6,000 kilograms or less, parked or left standing on private property without the consent of the "property owner" or "occupant", as those terms are defined in Chapter 915, Parking on Private or Municipal Property.
- B. Where an owner or driver is hired to perform services to which this section applies:
 - (1) No owner or driver shall charge or request a towing fee other than the applicable Toronto Police Service contract rate.
 - (2) Where a vehicle is released to its owner or driver after it has been attached to a tow truck but before it has been towed, no owner or driver shall charge or request a release fee other than the applicable Toronto Police Service contract rate; and
 - (3) No owner or driver shall charge, request, or permit any person to charge or request a vehicle storage fee other than the applicable Toronto Police Service contract rate.
- C. Except when a vehicle is released as described in Subsection B(2), an owner or driver hired to perform a service to which this section applies shall tow the vehicle to a premises or business in respect of which a licence has been issued under this chapter.

§ 545-114. Towing of vehicles less than 3,175 kilograms from accidents; maximum fees.

- A. This section applies to the towing of motor vehicles with a GVWR of 3,175 kilograms or less from the scene of a motor vehicle accident to a collision reporting centre or the first destination specified by a hirer but not any subsequent tow.
- B. No owner or driver shall charge or request a fee exceeding the accident towing fee for services to which this section applies and without restricting the generality of the foregoing no owner or driver shall charge or request any additional fees for or relating to:
 - (1) Any clean-up of the scene of the accident;
 - (2) The use of any equipment in relation to the towing of the vehicle; and
 - (3) Any service incidental to the towing of the vehicle.
- C. Despite Subsection B, where a hirer specifies a final destination more than five kilometres outside city limits, an owner or driver may charge an additional fee for each kilometre of travel outside city limits of up to \$3.25 per kilometre, plus applicable taxes, but no owner or driver shall charge or request any other fee based on the distance a vehicle is towed.

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§ 545-115. Additional charge for recovery services.

- A. Despite §§ 545-110, 112 and 114, an owner or driver may charge a hirer a fee of \$100.00, plus applicable taxes, for recovery services performed at the scene of an accident.
- B. Every driver shall take a minimum of two clear photographs that demonstrate the need for recovery services each time they are performed.
- C. Every owner shall promptly collect the photographs referred to in Subsection B from the drivers of his or her tow truck, retain them electronically for at least one year after the recovery services are performed, and make the photographs available for inspection by the Municipal Licensing and Standards Division upon request.

§ 545-116. Written authorization to tow required.

- A. Every driver shall obtain written authorization from a hirer, completed as prescribed by this section, before providing or charging the hirer for any towing services, except when providing services to which § 545-113 or Subsection E applies.
- B. The written authorization shall include the following:
 - (1) The name and contact information of the towing company, if any;
 - (2) The tow truck driver's licence number as issued by the Municipal Licensing and Standards Division;
 - (3) The number of the tow truck plate attached to the tow truck as issued by the Municipal Licensing and Standards Division;
 - (4) The date and time the tow truck arrived on scene;
 - (5) The name and contact information of the hirer;
 - (6) The make, model, year, Vehicle Identification Number, and licence plate number of the vehicle to be towed;
 - (7) The location where the tow originated;
 - (8) The destination of the tow as directed by the hirer or, where applicable, a police officer;
 - (9) An itemized bill listing the services to be provided, the charge or estimated charge for each service, and the total cost of all such services,
 - (10) The name, badge number, and detachment of the police officer leading the accident investigation, where applicable;
 - (11) The signature of the hirer or, where applicable, the police officer leading the accident investigation;

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- (12) The signature of the tow truck driver; and
 - (13) Information about the roles, rights, and responsibilities of hirers, drivers, and collision reporting centres under applicable municipal and provincial laws, as determined by and in a format acceptable to the Municipal Licensing and Standards Division.
- C. The written authorization shall be made in duplicate and administered as follows:
- (1) Every driver shall provide one copy of the written authorization to the hirer or police officer at the time it is completed and shall retain a copy; and
 - (2) Every owner shall collect from drivers operating his or her tow truck all such written authorizations, retain them for at least one year after the date the towing services are provided, and make them available to the Municipal Licensing and Standards Division for inspection, upon request.
- D. No owner or driver shall make any change to the written authorization after it has been signed by the hirer.
- E. Every driver shall, where the final destination specified by a hirer is unable to accept the hirer's vehicle, contact the hirer and obtain the hirer's consent to tow the vehicle to an alternate destination.

§ 545-117. Final bill when estimate of costs provided.

No owner or driver shall, where an estimate is given to a hirer of the cost of towing or related services, charge the hirer an amount more than 10 percent above the estimated amount.

§ 545-118. No charge for lost time.

No owner or driver shall make any charge under this chapter for time lost through defects or inefficiency of the tow truck, or the incompetence of its owner or driver.

§ 545-119. Hirer access to personal property; no charge to be made.

Every owner and driver shall, during business hours, permit a hirer reasonable access to the hirer's vehicle to remove any personal property at no additional cost or fee.

§ 545-120. Credit and debit card payments to be accepted.

Every owner and driver shall accept payment for towing and related services by credit card, debit card and cash.

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§ 545-121. Records may be retained electronically.

Any form, document, or other record required to be retained by an owner or driver under this article may be kept electronically, without the need to retain its original, so long as the electronic copy clearly reproduces the original in its entirety and without alteration to its contents.

§ 545-122. (Reserved)⁸⁴

ARTICLE VII

§§ 545-123 to 545-130. Reserved.⁸⁵

ARTICLE VIII

§§ 545-131 to 545-152. Reserved.⁸⁶

ARTICLE IX

Auctioneers or Other Persons Putting Up for Sale Goods or Merchandise by Public Auction

§ 545-153. Auctioneer defined.

Any person selling or putting up for sale goods, wares, merchandise or effects by public auction shall be deemed an "auctioneer" within the meaning of this chapter.

§ 545-154. Identification of auctioneers at auctions and in advertising.

Every person who exercises the business of an auctioneer shall, at the place of each auction, prominently display his or her name and business address and shall, in all public advertisements of any nature used in the course of such business, include his or her name and business address in such advertisement.

§ 545-155. Bookkeeping requirements; payment of proceeds; return of unsold goods.

Every auctioneer shall keep proper books of account of the business transacted by him or her as an auctioneer, which books shall give the names and addresses of the owners of the goods, wares or merchandise to be sold, the description of the same, the price for which the same may be sold, and the names and addresses of the persons purchasing such goods, wares or merchandise, or any portion thereof; and he or she shall forthwith, after the sale of same, or any portion thereof, account for the proceeds and pay the same to the person or persons entitled to such proceeds, less

⁸⁴ Editor's Note: Article VI, Owners and Drivers of Tow Trucks, consisting of former Sections 545-67 to 545-122, was replaced in its entirety on November 9, 2017 by By-law 1238-2017. Former Section 545-122 is reserved.

⁸⁵ Editor's Note: Art. VII, Taxicab Brokers, was repealed by By-law 575-2016 effective July 14, 2016. By-law 575-2016 also enacted (new) Chapter 546, Licensing of Vehicles-For-Hire.

⁸⁶ Editor's Note: Art. VIII, Owners and Drivers of Taxicabs, was repealed by By-law 575-2016 effective July 14, 2016. By-law 575-2016 also enacted (new) Chapter 546, Licensing of Vehicles-For-Hire.

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his or her proper and legal commissions and charges; and he or she shall, in case no sale is made of such goods, on payment of his or her proper costs and charges, return such goods to the person or persons entitled to receive the same on proper demand being made therefor, provided that this section shall not in any way affect or invalidate the claim of any auctioneer for goods warehoused with him or her, and on which he or she shall have made advances.

§ 545-156. Prohibited acts.

No auctioneer shall:

- A. Permit any disorder in his or her auction room or offices;
- B. Conduct or permit to be conducted any mock auction;
- C. Knowingly make or permit to be made any misrepresentation as to the nature, content, quantity or value of any goods, wares, merchandise or effects which may be offered for sale by him or her;
- D. Give away articles or sell them for nominal amounts for the purpose of stimulating bidding;
- E. Do any act that is calculated to or which may reasonably have the effect of confusing a purchaser as to the amount he or she pays for any article or articles;
- F. Avail himself or herself of the services of, or act in concert with, persons known in the trade as "beaters," "boosters" or "shills" for the purpose of raising or stimulating bids; and
- G. Sell or put up for sale by auction any goods, wares, merchandise or effects on a reserve-bid basis without first having announced clearly to those in attendance at the auction the fact of such reserve bid.

ARTICLE X

Food Establishments (Other Than in Hotels)

§ 545-157. Provision of supervision, attendants and waste disposal containers.

[Amended 2011-04-13 by By-law 517-2011⁸⁷; 2015-10-02 by By-law 973-2015⁸⁸; 2017-04-28 by By-law 426-2017⁸⁹]

Every person who owns or keeps any place for the reception, refreshment or entertainment of the public, and every person who owns or keeps a victualling house, ordinary or house where fruit, fish, oysters, clams or victuals are sold to be eaten therein shall provide:

- A. Adequate supervision of dining rooms, including outside eating areas;

⁸⁷ Editor's Note: As a result of changes in provincial legislation, the City of Toronto has the jurisdiction to licence business establishments located in hotels where previously such businesses were exempted.

⁸⁸ Editor's Note: Subsections 545-157D, E and F were renumbered and moved to Art. X from Section 545-5 on October 2, 2015 by By-law 973-2015.

⁸⁹ Editor's Note: By-law 426-2017 came into force May 1, 2017.

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- B. A sufficient number of attendants to ensure that outside eating areas are kept clean and free of waste at all times; and
- C. A sufficient number of containers of a type satisfactory to the Medical Officer of Health for the deposit of waste paper and other waste.
- D. Serving persons in eating and drinking establishments to be clothed.

(1) Definitions.

In this subsection and in Subsection F, the following terms shall have the meanings indicated:

EATING OR DRINKING ESTABLISHMENT - Whether or not any person is licensed or required to be licensed under this chapter for the carrying on of or engaging in any trade, business or occupation in respect of such eating or drinking establishment:

- (a) Every place for the lodging, reception, refreshment or entertainment of the public;
- (b) Every place where foodstuffs intended for human consumption are made for sale, offered for sale, stored or sold;
- (c) Every victualling house, ordinary, and house where fruit, fish, oysters, clams, or victuals are sold to be eaten therein; and
- (d) Any other place or premises or part thereof, named or described in § 545-2 of this chapter, where food or drink is served in pursuance of a trade, business or occupation.

FOOD OR DRINK - Includes any kind of victuals, refreshments, alcoholic and non-alcoholic beverages, and any other commodity intended for human consumption.

SERVING PERSON - Includes a waiter, waitress, host, hostess, bartender, cook and every other person serving or making available food or drink in pursuance of a trade, business or occupation in an eating or drinking establishment, and every person involved in providing such services, whether or not any such person is licensed or required to be licensed under this chapter.

SPECIFIED BODY AREAS:

- (a) In the case of a female person, her breasts; and
- (b) In the case of all persons, the pubic, perineal and perianal areas and the buttocks.

TO OPERATE - Includes to manage, supervise and otherwise be responsible for the control, management or supervision of an eating or drinking establishment or of any serving person employed or performing services therein, whether or not the person so operating such establishment is licensed or required to be licensed under this chapter.

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- (2) No serving person shall in any eating or drinking establishment in the City of Toronto serve or make available food or drink in pursuance of a trade, business or occupation or be involved in providing such services, except while wearing clean opaque clothing fully covering such person's specified body areas.
- (3) No person who operates an eating or drinking establishment shall permit any serving person in such establishment to serve or make available food or drink in pursuance of a trade, business or occupation or to be involved in providing such services unless such serving person is clothed in accordance with the provisions of Subsection D(2).

E. Regulations pertaining to eating and drinking establishments.

(1) Definitions.

In this subsection, the following terms shall have the meanings indicated:

ACCREDITED PROGRAM - A food handler training and certification program which has been accredited by the Medical Officer of Health as being equivalent to the Toronto Public Health Food Handler Certification Program. **[Added 2006-07-27 by By-law 678-2006⁹⁰]**

CERTIFIED FOOD HANDLER - The holder of a valid food handler certificate. **[Added 2006-07-27 by By-law 678-2006⁹¹]**

EATING OR DRINKING ESTABLISHMENT - Every place for the lodging, reception, refreshment or entertainment of the public; every place where foodstuffs intended for human consumption are made for sale, offered for sale, stored or sold; every victualling house, ordinary, and house where fruit, fish, oysters, clams or victuals are sold to be eaten therein, and any other place or premises or part thereof, named or described in § 545-2 of this chapter, where food or drink is sold or served in pursuance of a trade, business or occupation; or any other place or premises or part thereof, named or described in § 545-2 of this chapter, where food or drink is served in pursuance of a trade, business or occupation, licensed or required to be licensed under this chapter for the carrying on of or engaging in any trade, business or occupation in respect of such eating or drinking establishment.

FOOD HANDLER - Any person who works in an eating or drinking establishment and handles or comes in contact with food or drink during its preparation, processing, packaging, service or storage. **[Added 2006-07-27 by By-law 678-2006⁹²]**

FOOD HANDLER CERTIFICATE - A certificate issued by the Medical Officer of Health certifying that the holder has successfully completed: **[Added 2006-07-27 by By-law 678-2006⁹³]**

- (a) The Toronto Public Health Food Handler Certification Program;

⁹⁰ Editor's Note: This by-law came into force September 1, 2006.

⁹¹ Editor's Note: This by-law came into force September 1, 2006.

⁹² Editor's Note: This by-law came into force September 1, 2006.

⁹³ Editor's Note: This by-law came into force September 1, 2006.

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- (b) A food handler training and certification program provided by a Board of Health established or continued under the Health Protection and Promotion Act; or
- (c) An accredited program.

FOOD OR DRINK - That term as defined in Subsection D(1).

FOOD SAFETY INSPECTION NOTICE - A notice issued by the Medical Officer of Health to an eating or drinking establishment as a result of any inspection of such eating or drinking establishment conducted pursuant to the Health Protection and Promotion Act, or the Regulations enacted thereunder, as amended.

FOOD SAFETY INSPECTION REPORT - A report issued by the Medical Officer of Health to an eating or drinking establishment as a result of any inspection of such eating or drinking establishment conducted pursuant to the Health Protection and Promotion Act, or the Regulations enacted thereunder, as amended.

HAZARDOUS FOOD - Any food that is capable of supporting the growth of pathogenic organisms or the production of the toxins of such organisms.

HIGH-RISK PREMISES - Any eating or drinking establishment which prepares hazardous food, and:

- (a) Serves a person or persons who are at high risk of experiencing an adverse effect on their health in consuming hazardous food;
- (b) Uses a process or processes to prepare food that involves many preparation steps;
- (c) Serves food frequently implicated as the cause of food-borne illness; or
- (d) The establishment has been implicated or confirmed as a source of a food-borne illness or outbreak.

LOW-RISK PREMISES - Any eating or drinking establishment which:

- (a) Serves hazardous food neither prepared nor packaged on the premises; or
- (b) Prepares or serves food other than hazardous food, as defined in this Subsection E(1).

MEDIUM-RISK PREMISES - Any eating or drinking establishment wherein hazardous food, other than hazardous food as described in Subsection (b) or (c) of the definition of "high-risk premises," is prepared.

OWNER or KEEPER - The person or persons who operate or direct the activities carried on within the eating or drinking establishment and includes the person or persons actually in charge of the premises.

PHOTO IDENTIFICATION CARD - A valid identification card integrated with a photograph of the holder of the card and issued by, or under the authority of, the

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Government of Canada, a Canadian province or territory, a Canadian municipality, or the Medical Officer of Health. **[Added 2006-07-27 by By-law 678-2006⁹⁴]**

TO OPERATE - That term as defined in Subsection D(1).

- (2) Every application for a licence as an owner or keeper of an eating or drinking establishment shall be submitted by the Municipal Licensing and Standards Division to the Medical Officer of Health, and any report received by the Municipal Licensing and Standards Division in response thereto shall be considered in the determination of whether or not the licence should be issued or refused in accordance with this chapter.
- (3) Every owner or keeper of an eating or drinking establishment shall keep posted, in a conspicuous place clearly visible to members of the public, at or near the entrance of such establishment, the most recent food safety inspection notice issued by the Medical Officer of Health.
- (4) Notwithstanding § 545-4I(1) of this chapter, every owner or keeper of an eating or drinking establishment shall post the eating or drinking establishment licence, issued in accordance with this chapter, adjacent to the food safety inspection notice.
- (5) Every owner or keeper of an eating or drinking establishment shall, when so requested by any person, produce the food safety inspection report or reports relating to the currently posted food safety inspection notice for such establishment.
- (6) Every owner or keeper of an eating or drinking establishment shall notify the Municipal Licensing and Standards Division in writing of any change or changes to the operations of the business which may result in a change as to the applicability of "low-risk premises," "medium-risk premises" or "high-risk premises" as defined in Subsection E(1) to such establishment, at least 30 days prior to the implementation of such change or changes.
- (7) Reserved.⁹⁵
- (8) Reserved.
- (9) Every owner or keeper of an eating or drinking establishment shall forthwith notify the Municipal Licensing and Standards Division in writing of any change in the management or control of such establishment.
- (10) Licences held by corporations; transfer of shares and issuance of new shares.
 - (a) Where a corporation is the holder of a licence or licences as an owner or keeper of an eating or drinking establishment, the corporation shall forthwith notify the Municipal Licensing and Standards Division in writing of all transfers of existing shares and of the issue of all new shares of the capital stock of the corporation.

⁹⁴ Editor's Note: This by-law came into force September 1, 2006.

⁹⁵ Editor's Note: Subsections 545-157E(7) and (8) were deleted October 2, 2015 by By-law 973-2015.

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- (b) Where, as a result of the transfer of existing shares or by the issue of new shares of a corporation, the Municipal Licensing and Standards Division has reasonable grounds to believe that the corporation may not be entitled to the continuation of its licence in accordance with this chapter, the Toronto Licensing Tribunal may determine whether the licence or licences shall be revoked or have conditions placed on it.
- (11) Transfer of controlling interest of corporation.
 - (a) Where, by the transfer or sale of issued shares in, or by the issuance of new shares of, a corporation holding one or more licences as an owner or keeper of an eating or drinking establishment, the controlling interest in such corporation is sold, transferred or acquired, such licence or licences shall be terminated forthwith, and the Municipal Licensing and Standards Division may issue a new licence or new licences upon payment of the prescribed fee.
 - (b) The Toronto Licensing Tribunal may, in its discretion, refuse to issue a new licence or licences to a purchaser in a transaction under this section if it determines that it is not in the public interest so to do or for any other reason which it is authorized by law to consider upon such application.
- (12) For the purpose of this section, "shareholder" and any words referring to the holding of shares includes all persons having a beneficial interest of any kind in the shares of the corporation.
- (13) Persons associated in a partnership applying for a licence or licences as an owner or keeper of an eating or drinking establishment shall file with their application to the Municipal Licensing and Standards Division a declaration in writing signed by all the members of the partnership, which declaration shall state:
 - (a) The full name of every partner and the address of his or her ordinary residence;
 - (b) The name or names under which they carry on or intend to carry on business;
 - (c) That the persons therein named are the only members of the partnership; and
 - (d) The mailing address for the partnership.
- (14) If any member of a partnership applying for a licence as an owner or keeper of an eating or drinking establishment is a corporation, such corporation shall, for the purposes of this section, be deemed to be a corporation applying for an owner's licence and if such licence is issued to the partnership such corporation shall, for the purposes of this section, be deemed to be a corporation which holds an owner's licence.
- (15) Every member of a partnership shall advise the Municipal Licensing and Standards Division immediately in writing of any change in the membership of the partnership and of any other change in any of the particulars relating to the partnership or its business which are required to be filed with the Municipal Licensing and Standards Division.

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- (16) Where, by reason of any change in the membership of a partnership, the Municipal Licensing and Standards Division has reasonable grounds to believe that the partnership is not entitled to the continuation of its licence in accordance with this chapter, the Toronto Licensing Tribunal may, in its discretion, determine whether the licence or licences shall be revoked or terminated and whether or not a new licence should issue to the partnership as presently constituted.
- (17) Food handler certification. **[Added 2006-07-27 by By-law 678-2006⁹⁶]**
- (a) Every owner or keeper of an eating or drinking establishment shall ensure that there is, at all times when the establishment is operating, at least one certified food handler working in a supervisory capacity in each area of the premises where food is prepared, processed, served, packaged or stored.
 - (b) **[Amended 2013-12-18 by By-law 1730-2013]**Notwithstanding § 545-157E(17)(a), every person licensed, or required to be licensed, under this chapter as a refreshment vehicle owner, operator or driver, and every employee in a refreshment vehicle, shall obtain a food handler certificate if such person:
 - [1] Sells or handles refreshments; or
 - [2] Is working in a refreshment vehicle from which ice cream, ice cream cones, frozen desserts and other frozen confections are sold.
 - (c) Every food handler working in a supervisory capacity for the purpose of § 545-157E(17)(a) and every person to whom § 545-157E(17)(b) applies shall produce for inspection his or her food handler certificate along with a photo identification card upon request by the Municipal Licensing and Standards Division or the Medical Officer of Health.
 - (d) A food handler certificate is valid for five years.
 - (e) Section 545-157E(17)(a) does not apply to low risk premises that handle, store, sell, display, offer for sale or serve only pre-packaged non-hazardous foods.
[Added 2011-06-15 by By-law 812-2011]
- (18) Accreditation of training programs. **[Added 2006-07-27 by By-law 678-2006⁹⁷]**
- (a) No food handling training and certification program shall be accredited, or continue to be accredited, unless the Medical Officer of Health is satisfied that the program is equivalent to the Toronto Public Health Food Handler Certification Program, having regard to:
 - [1] The standards contained in the Food Handler Training Protocol, Food Safety Program, in accordance with the Mandatory Health Programs and Services Guidelines, January 1, 1998, issued under the Health Protection

⁹⁶ Editor's Note: This by-law came into force September 1, 2006.

⁹⁷ Editor's Note: This by-law came into force September 1, 2006.

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and Promotion Act, R.S.O. 1990, c. H.7, as amended or any successor thereto; and

- [2] The examination criteria and standards contained in the report of the Food Safety Certification Task Force, Canadian Institute of Public Health Inspections, Ontario Branch, entitled "Food Safety Training and Certification, A Standard for Health Units/Departments in Ontario".
 - (b) The accreditation of a food handling training and certification program may be terminated by the Medical Officer of Health if he or she is satisfied that the program has ceased to be equivalent to the Toronto Public Health Food Handler Certification Program or if he or she is satisfied that the provider has failed to comply with this section.
 - (c) Every provider of a food handler training and certification program seeking accreditation by the Medical Officer of Health shall:
 - [1] Provide to the Medical Officer of Health such information as the Medical Officer of Health considers necessary to evaluate the program; and
 - [2] Pay the prescribed application fee for accreditation.
 - (d) Every provider of an accredited program shall provide to the Medical Officer of Health such information as the Medical Officer of Health considers necessary to monitor and audit the program.
 - (e) Without limiting the generality of § 545-157E(18)(c), every provider of an accredited program shall provide to the Medical Officer of Health copies of the examinations used in the program, such examinations to be provided twice annually upon the request of the Medical Officer of Health.
 - (f) Every provider of an accredited program shall, at the request of the individuals who have successfully completed the program and who wish to obtain a food handler certificate, provide the names of those individuals to the Medical Officer of Health.
 - (g) Unless sooner terminated by the Medical Officer of Health, the accreditation of a food handler training and certification program is valid for five years.
- F. Every owner and every keeper of an eating or drinking establishment shall post and keep posted therein in every kitchen area and in every washroom provided for or normally used by members of the staff of such establishment a poster in a form approved by the Executive Director or his or her designate, describing procedures for assisting victims of choking.

ARTICLE XI
Holistic Centres and Holistic Practitioners

§ 545-158. Definitions.

As used in this article, the following terms shall have the meanings indicated:

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HOLISTIC PRACTITIONER - A person licensed or required to be licensed under § 545-2A(59) of this chapter.

OWNER - An owner of a holistic centre, licensed as such or required to be licensed as such under this chapter. For greater certainty, an owner does not include a single practitioner operating in compliance with the relevant zoning by-laws who treats clients in his or her private residence or who makes off-site calls to treat clients. **[Amended 2005-07-26 by By-law 719-2005]**

PROFESSIONAL HOLISTIC ASSOCIATION - A registered not-for-profit organization, listed in Appendix L of this chapter and demonstrated pursuant to § 545-161B to be established for the purpose, and with the continuing intent, of ensuring safe and proper provision of one or more kinds of holistic services through: **[Added 2005-12-07 by By-law 1056-2005]**

- A. The admission to membership of persons qualified to provide such holistic services;
- B. The promulgation and enforcement of a code of ethics respecting the provision of such holistic services;
- C. The maintenance, provision and recognition of measurable standards for practices and procedures in the provision of such holistic services;
- D. The communication of information relating to such holistic services;
- E. The establishment of a disciplinary system that follows the principles of due process; and
- F. The election of a board of directors, comprised of a majority of holistic practitioner members in good standing, that is duly elected by all holistic practitioner members in good standing.

§ 545-159. Application to be filed in person.

- A. On every application for an owner's or a holistic practitioner's licence or for the renewal thereof, the applicant shall attend in person and not by an agent at the offices of the Municipal Licensing and Standards Division and shall complete the prescribed forms and shall furnish to the Municipal Licensing and Standards Division such information as the Municipal Licensing and Standards Division may direct.
- B. In the case of a holistic centre owned by a partnership, the attendance required under Subsection A of this section shall be by one of the partners, and in the case of a holistic centre owned by a corporation, such attendance shall be by an officer of the corporation.
- C. On every application for an owner's or a holistic practitioner's licence or for the renewal thereof, the applicant shall file, submit or present for inspection as required by the Municipal Licensing and Standards Division the originals of all documents that are required to be filed with or submitted to the Municipal Licensing and Standards Division. **[Added 2005-07-26 by By-law 719-2005]**

§ 545-160. Applicant to supply photographs.

Every applicant for a holistic practitioner's licence shall submit with the application two passport-size photographs, one of which photographs shall form part of the licence, and the other

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which shall be filed with the Municipal Licensing and Standards Division, and upon application for renewal of any licence, the applicant shall furnish new photographs if required so to do by the Municipal Licensing and Standards Division.

§ 545-160.1. Applicant for owner's licence to provide letter from owner of building from which holistic centre will operate.

[Added 2004-07-22 by By-law 656-2004; amended 2005-07-26 by By-law 719-2005]

Upon signing a lease agreement respecting the property from which a holistic centre will operate, every holistic owner and every applicant for a holistic owner's licence shall forthwith file with the Municipal Licensing and Standards Division a copy of the lease and a copy of a letter enclosing a copy of this Article and Article I and demonstrating that owner of the building from which the holistic centre will operate has been informed of the nature of the owner's business.

§ 545-160.2. Owners of holistic centres to be licensed as holistic practitioners.

[Added 2004-07-22 by By-law 656-2004]

Every applicant for a holistic centre owner's licence shall hold a valid holistic practitioner's licence or, in the case of a corporation, the officers and directors of the corporation shall hold valid holistic practitioners' licences.

§ 545-161. Application requirements; documentation concerning professional holistic associations.

[Amended 2005-07-26 by By-law 719-2005; 2005-12-07 by By-law 1056-2005]

- A. Every applicant for a holistic practitioner's licence or renewal thereof shall submit with his or her application documentation satisfactory to the Municipal Licensing and Standards Division establishing that the applicant is a member in good standing of a professional holistic association, which documentation shall include:
- (1) A document issued by a professional holistic association and signed by the registrar or other duly authorized officer of the professional holistic association which states, to the satisfaction of the Municipal Licensing and Standards Division:
 - (a) The name and membership number (if applicable) of the applicant;
 - (b) The holistic modality or modalities practised by the applicant; and
 - (c) That the applicant is a member in good standing of the association as of the application date or renewal date as shown on the licence renewal notice.
 - (2) All records or documents referred to in § 545-161B, provided that an applicant for a renewal shall only be required to file the records or documents if the information contained within them has changed since they were previously filed by the licensee.

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- B. Demonstration of the nature and purpose of a professional holistic association shall be made by an applicant by filing with the Municipal Licensing and Standards Division in writing:
- (1) Documentation or instruments creating the organization as a registered not-for-profit corporation;
 - (2) The names of its principals, officers, and employees;
 - (3) A description of how the Board of Directors is selected and how often, as well as the date of the last appointment to the Board, and a current list of the Board of Directors;
 - (4) A list of every kind of holistic service which is the subject matter or interest of the organization, and a full description of the nature of the service;
 - (5) Particulars of the qualifications the organization requires its member holistic practitioners to hold in order to provide every such service;
 - (6) A short history summarizing the organization's activities and achievements to date;
 - (7) A current copy of the organization's governing by-laws, regulations, and procedures;
 - (8) A current copy of the organization's code of ethics;
 - (9) A current copy of the organization's complaints and disciplinary process;
 - (10) A list of criteria for membership in the organization; and
 - (11) A current list of courses and qualifications recognized or provided by the organization.
- C. Where the original language of any of the documentation in Subsection A or B is not English, the applicant shall provide an original certified translation of every such document to the Municipal Licensing and Standards Division at his or her own expense.
- D. The records or documents required to be filed pursuant to Subsection A or B may be photocopies of the originals if the licensee attends in person at the offices of the Municipal Licensing and Standards Division and submits both the original and photocopied documents for inspection.
- E. The filing of any record or document with the Municipal Licensing and Standards Division referred to in Subsection A, B or C may be made by a professional holistic association in respect of its members.

§ 545-162. Transition.

[Amended 2005-12-07 by By-law 1056-2005]

- A. An applicant who has applied for a holistic practitioner's licence prior to December 7, 2005, shall not be required to submit the documents required by § 545-161A and B until the date of first application for the renewal of the licence.

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- B. No person who holds a licence as a holistic practitioner on December 7, 2005, and whose licence expires within three months after December 7, 2005, shall be required to submit the documents required by § 545-161A and B upon first application for the renewal of his or her licence, but such person shall submit such documents upon application for all subsequent renewals.
- C. Every person who holds a licence as a holistic practitioner on December 7, 2005, and whose licence expires more than three months after December 7, 2005, shall submit the documents required by § 545-161A and B upon application for the renewal of his or her licence and upon each subsequent application for renewal.

§ 545-163. Minimum age of holistic practitioner.

[Amended 2004-07-22 by By-law 656-2004]

Every applicant for a holistic practitioner's licence shall file with or produce to the Municipal Licensing and Standards Division proof of his or her age, in a form acceptable to the Executive Director, if required to do so by the Municipal Licensing and Standards Division, and no such licence shall be issued unless the Municipal Licensing and Standards Division is satisfied that every such person is of the full age of 18 years.

§ 545-163.1. Minimum age of holistic owner.

[Added 2004-07-22 by By-law 656-2004]

- A. Every applicant for a holistic owner's licence shall file with or produce to the Municipal Licensing and Standards Division proof of his or her age, in a form acceptable to the Executive Director, if required to do so by the Municipal Licensing and Standards Division, and no such licence shall be issued unless the Municipal Licensing and Standards Division is satisfied that the applicant is of the full age of 18 years.
- B. Where the applicant for a holistic owner's licence is a partnership, any or all partners shall file with or produce to the Municipal Licensing and Standards Division proof of his or her age, in a form acceptable to the Executive Director, if required to do so by the Municipal Licensing and Standards Division, and no such licence shall be issued unless the Municipal Licensing and Standards Division is satisfied that all partners are of the full age of 18 years.
- C. Where the applicant for a holistic owner's licence is a corporation, any or all directors and officers of the corporation shall file with or produce to the Municipal Licensing and Standards Division proof of his or her age, in a form acceptable to the Executive Director, if required to do so by the Municipal Licensing and Standards Division, and no such licence shall be issued unless the Municipal Licensing and Standards Division is satisfied that all directors and officers of the corporation are of the full age of 18 years.

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§ 545-164. Application for owner's licence by partnerships and corporations; notification of changes in partnership.

- A. Persons associated in a partnership applying for an owner's licence shall file with their application to the Municipal Licensing and Standards Division a declaration in writing signed by all the members of the partnership, which declaration shall state:
- (1) The full name of every partner and the address of his or her ordinary residence;
 - (2) The name or names under which they carry on or intend to carry on business;
 - (3) That the persons therein named are the only members of the partnership; and
 - (4) The mailing address for the partnership.
- B. If any member of a partnership applying for an owner's licence is a corporation, such corporation shall, for the purposes of this article, be deemed to be a corporation applying for an owner's licence, and if such licence is issued to the partnership, such corporation shall, for the purposes of this article, be deemed to be a corporation which holds an owner's licence.
- C. Every member of a partnership shall advise the Municipal Licensing and Standards Division immediately in writing of any change in the membership of the partnership and of any other change in any of the particulars relating to the partnership or its business which are required to be filed with the Municipal Licensing and Standards Division.
- D. Where, by reason of any change in the membership of a partnership, the Municipal Licensing and Standards Division has reasonable grounds to believe that the partnership is not entitled to the continuation of its licence in accordance with this chapter, the Toronto Licensing Tribunal may, in its discretion, determine whether the licence or licences shall be revoked or terminated and whether or not a new licence should issue to the partnership as presently constituted.

§ 545-165. Filing of incorporating document and annual returns.

- A. Every corporation applying for an owner's licence shall file with the Municipal Licensing and Standards Division at the time of its application a copy of its letters of incorporation or other incorporating document, duly certified by the proper government official or department, together with an annual return in a form supplied by the Municipal Licensing and Standards Division, which annual return shall contain a list of all of the shareholders of the corporation.
- B. Where the shares in a corporation applying for an owner's licence are held in whole or in part by another corporation, the corporation so applying shall file with the Municipal Licensing and Standards Division an annual return in a form supplied by the Municipal Licensing and Standards Division, which annual return shall contain a list of all of its shareholders, and if such annual return discloses that the shares in such other corporation are in turn held in whole or in part by a third corporation, then the said applicant shall also file such an annual return in respect of such third corporation listing its shareholders, and so on until the names of all living persons are shown and identified as the shareholders of

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any and all corporations having an interest, direct or indirect, in the shares of the applicant corporation.

- C. Every owner which is a corporation shall, in every year, on or before the time at which it applies for the renewal of its licence, file with the Municipal Licensing and Standards Division an annual return on a form supplied by the Municipal Licensing and Standards Division.

§ 545-166. Applicant for owner's licence to submit list of holistic practitioners.

Every applicant for an owner's licence shall, at the time of making the application, file with the Municipal Licensing and Standards Division a list showing the names of all holistic practitioners employed by, or performing holistic services in, the holistic centre and all such persons intended or expected to be employed or to perform holistic services in the holistic centre.

§ 545-167. Transfer of shares and issue of new shares in corporations holding owner's licence; termination of licence upon transfer of controlling interest.

- A. Where a corporation is the holder of an owner's licence or licences, the corporation shall forthwith notify the Municipal Licensing and Standards Division in writing of all transfers of existing shares and of the issue of any existing or new shares of the capital stock of the corporation, and of any such transaction involving the shares of any corporation referred to in Subsection C.
- B. Where, as a result of the transfer of existing shares or by the issue of new shares of a limited company, the Municipal Licensing and Standards Division has reasonable grounds to believe that the limited company may not be entitled to the continuation of its licence in accordance with this chapter, the Toronto Licensing Tribunal may determine whether the licence or licences shall be revoked or have conditions placed on it.
- C. Where, by a transfer of existing shares, or by an issue of new shares, the controlling interest in a corporation holding one or more owner's licences is sold, transferred or acquired, such licence or licences shall be terminated forthwith, and the Municipal Licensing and Standards Division may issue a new licence or new licences upon payment of the prescribed fee. The Toronto Licensing Tribunal may refuse to issue a new licence or licences if it determines that it is in the public interest so to do.
- D. For the purpose of this section, "shareholder" and any words referring to the holding of shares includes all persons having a beneficial interest of any kind in the shares of the corporation.

§ 545-168. Name or designation of business.

- A. Every person applying for an owner's or holistic practitioner's licence who carries on or intends to carry on the business in or relating to a holistic centre under any name or designation other than his or her own name shall, at the time of the making of the application, file with the Municipal Licensing and Standards Division a declaration, which declaration shall state:

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- (1) His or her full name and address of ordinary residence; and
 - (2) Any name or designation under which he or she carries on or intends to carry on business, and the date when the name or designation was first used by him or her.
- B. A person to whom this section relates shall notify the Municipal Licensing and Standards Division immediately of any change in any of the particulars required to be filed with the Municipal Licensing and Standards Division under Subsection A of this section.

§ 545-169. Review of application for owner's licence by Medical Officer of Health, Chief of Police and other officials.

An application for an owner's licence may be submitted by the Municipal Licensing and Standards Division for a report to the Medical Officer of Health and to the Chief of Police and may also be referred to any other government official or functionary for a report; and where any such report is negative or unfavourable to the applicant, the applicant shall be furnished with a copy of such report and shall have the right to appear before the Toronto Licensing Tribunal for a hearing to determine whether or not the application should be granted, notwithstanding such report.

§ 545-170. Reserved.⁹⁸

§ 545-171. Owners and practitioners to be licensed.

- A. No holistic centre may open for business or operate or be operated unless its owner is licensed as such under this chapter.
- B. No owner shall permit any holistic service to be provided or offered upon or at his or her holistic centre by any person other than a licensed holistic practitioner.
- C. No holistic practitioner shall provide or offer holistic services in any holistic centre unless the owner of the said holistic centre is duly licensed as an owner under this chapter.

§ 545-172. Notification of change of address.

Every owner or holistic practitioner who changes his or her address shall, within two days after such change, attend at the offices of the Municipal Licensing and Standards Division and notify the Municipal Licensing and Standards Division of such change of address.

§ 545-173. Bookkeeping requirements; access to records.

- A. Every owner shall keep proper records and books of account of all business transacted in, by, or in respect of his or her holistic centre, which books shall give the amount of gross receipts for all services performed or provided in the said holistic centre, the name and licence number of every holistic practitioner or other person performing services in the said

⁹⁸ Editor's Note: Former § 545-170, Provision of holistic services by owners of holistic centres, was repealed July 22, 2004 by By-law 656-2004.

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holistic centre, including the date of commencement and the date of termination of such services, the amount of salary or commission paid to each holistic practitioner, in respect of such holistic centre or holistic centre business.

- A.1. Every owner shall keep a patient record, in a form approved by the Executive Director, for every visit of every person for whom holistic services have been provided, documenting the condition that is the subject of the holistic service and the nature of the holistic service provided. **[Added 2004-07-22 by By-law 656-2004]**
- B. Every owner shall keep all books and records as are required by Subsections A and A.1 for at least one year after the information required by that subsection is entered therein, and the Municipal Licensing and Standards Division and any person designated by the Executive Director shall at all times have access to such records. **[Amended 2004-07-22 by By-law 656-2004; 2015-10-02 by By-law 973-2015]**

§ 545-174. Bill and receipt to be provided; copies to be retained.

- A. Immediately before any holistic services are provided in a holistic centre, the holistic practitioner shall give to the customer an itemized bill for such services, listing the holistic services to be provided and the price to be paid for each.
- B. Upon payment of the bill referred to in Subsection A, the customer shall be given a written receipt for the full amount paid.
- C. Every owner shall ensure that the bill and receipt required by Subsections A and B contain the name and Toronto licence number of the holistic practitioner who provided the holistic services and the name, address and Toronto licence number of such owner.
- D. Every owner shall ensure that the bill and receipt required by this section are provided to every customer of the holistic centre. **[Amended 2005-07-26 by By-law 719-2005]**

§ 545-175. Advertisements to include licence number.

Every owner shall ensure that all advertisements used in respect of such owner's holistic centre clearly state the number of the licence issued to such owner under this chapter.

§ 545-176. Insurance requirements.

Every owner shall, in respect of each holistic centre for which he or she holds a licence, procure a policy of insurance endorsed to the effect that the Municipal Licensing and Standards Division will be given at least 10 days' notice in writing of any cancellation, expiration or variation in the amount of the policy, and insuring, in at least the amount of \$1,000,000 (exclusive of interest and costs) comprehensive against loss or damage resulting from bodily injury to or the death of one or more persons, or from loss or damage to property resulting from any one accident. A certified copy or certificate of such policy shall be deposited with the Municipal Licensing and Standards Division.

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§ 545-177. Regulations for operation of holistic centres.

Every owner shall, in the operation of his or her holistic centre, comply with, and ensure compliance with, the following regulations:

- A. The premises and the fixtures and equipment therein shall be regularly washed and be kept in a sanitary condition.
- B. Adequate toilet and washroom accommodation shall be provided and shall be equipped with:
 - (1) An adequate supply of hot and cold water;
 - (2) An adequate supply of liquid soap in a suitable container or dispenser;
 - (3) Hot air dryers or individual clean towels for the use of each person using the washing facilities; and
 - (4) A suitable receptacle for used towels and waste material.
- C. If showers or saunas are provided on the premises, the following regulations shall apply:
 - (1) The floors shall be disinfected at least once a week with a disinfecting solution approved by the Medical Officer of Health;
 - (2) All surfaces and attached accessories of the bath or shower enclosure must be self-draining;
 - (3) All showers must have removable cleanable drain covers; and
 - (4) Floor surfaces both within and without the enclosures shall be of a non-slip type.
- D. If bathtubs or whirlpool baths are provided on the premises, the following regulations shall apply:
 - (1) A grab-bar or other convenient support shall be provided unless the walls of the tub or whirlpool bath enclosure are 0.61 metre in height or higher;
 - (2) The bottom of the tub or whirlpool bath enclosure shall be of a non-slip type; and
 - (3) The water serving all bathtubs, showers and hand basins used by patrons shall not have a temperature exceeding 49 degrees Celsius and shall be controlled by a device that regulates the temperature, and patrons shall not have access to this device.
- E. Every table, mat or other surface upon which persons lie or sit while being given or provided with a holistic service shall be clean and in good repair, and shall have a top surface of impervious material.
- F. Every table, mat or other surface referred to in Subsection E hereof shall, before any person receives a holistic service thereon, be covered with a fresh, clean individual paper or cloth sheet.

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- G. Every sheet or towel shall, immediately after being used by any person, be deposited in a receptacle reserved for that purpose and shall not be utilized again for any purpose before being freshly laundered.
- H. No premises in which a holistic centre is located shall be constructed or equipped so as to hinder or prevent the enforcement of this chapter. **[Added 2005-07-26 by By-law 719-2005]**
- I. Holistic practitioners working in a holistic centre may lock the doors of the centre or a treatment room while working with a client for their mutual security and safety, provided that whenever the doors are locked the time at which the doors will be unlocked shall be posted in a manner clearly visible from outside the holistic centre and the door must be unlocked by the posted time. **[Added 2005-07-26 by By-law 719-2005]**

§ 545-178. Safekeeping of valuables belonging to customers.

- A. Every owner shall provide a service by which any customer may deposit his or her valuables or other property for safekeeping, and any customer who presents his or her property for safekeeping shall be given a receipt specifying the nature of the property so entrusted.
- B. Every owner and holistic practitioner shall take due care of all property delivered or entrusted to him or her for safekeeping and return it to its owner upon demand.

§ 545-179. Display of licences.

- A. Every owner shall keep his or her licence issued in respect of that holistic centre posted in a conspicuous place in the interior of the said premises at all times during the currency of the licence.
- B. Every holistic practitioner who provides or offers holistic services in a holistic centre shall keep his or her licence prominently displayed in the interior of such holistic centre at all times during the currency of the licence.

§ 545-180. Advertisement of holistic services by licensed owners and practitioners only.

No person other than a licensed owner may use the phrase "licensed," "Toronto-licensed," "holistic service," or "licensed holistic service" or any words indicating the offering of the services or facilities of a holistic centre in pursuance of or in connection with any business, trade, or occupation carried on in a holistic centre in the City of Toronto unless the owner of the premises and every holistic practitioner engaged in performing or offering holistic services in, upon or at such premises has been duly licensed so to do under this chapter.

§ 545-181. List of services and fees.

- A. Every owner shall file with the Municipal Licensing and Standards Division a copy of a list of all services offered or provided in, upon or at his or her holistic centre, and of the

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respective fees charged for such services, and, if such charges be based on a computation of time, the hourly rate shall be shown on such list.

- B. No owner or holistic practitioner shall charge, demand, or request any payment for any services offered or performed in a holistic centre except in accordance with the list filed with the Municipal Licensing and Standards Division under Subsection A.
- C. No owner or holistic practitioner shall offer or provide any holistic service in a holistic centre, or perform any services, except in accordance with the list filed under Subsection A.
- D. Every owner shall post a copy of the list of services and fees referred to in this section in a conspicuous place in the interior of the holistic centre plainly visible to any person upon entering the said premises.

§ 545-182. Owners and practitioners to provide name, address and licence upon request.

Every owner and holistic practitioner shall, upon a request made by the Municipal Licensing and Standards Division or any peace officer, by-law enforcement officer, Medical Officer of Health, or public health inspector acting under the direction of the Medical Officer of Health, provide his or her name and residential address, and if licensed under this chapter, he or she shall produce his or her said licence.

§ 545-183. Hours of operation.

[Amended 2005-12-07 by By-law 1016-2005]

No owner shall open his or her holistic centre for business or permit the same to be or to remain open for business or permit any holistic service or services of any kind to be provided or offered in the said holistic centre except between the hours of 8:00 a.m. and 9:00 p.m.

§ 545-184. Drugs and liquor.

- A. No owner or holistic practitioner shall take, consume or have a liquor or a drug in his or her possession in a holistic centre, nor shall the use of liquor or a drug by such person be apparent while in a holistic centre.
- B. For the purposes of Subsection A, the word "drug" shall be deemed to exclude prescription drugs and the word "liquor" shall be deemed to exclude ethanol-based herbal medicines or ethanol used exclusively for the purpose of preparing herbal medicines. **[Amended 2005-07-26 by By-law 719-2005]**

§ 545-185. Appearance and behaviour of owners and practitioners.

[Amended 2005-07-26 by By-law 719-2005]

- A. Definitions.

For the purposes of this section and § 545-186, the following term shall have the meaning indicated:

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SPECIFIED BODY AREAS:

- (1) The breasts in the case of an owner or practitioner;
 - (2) The areolae in the case of a client; and
 - (3) The genitals and the anus in the case of all people.
- B. Every owner and every holistic practitioner, while engaged in his or her trade, business or occupation, shall be:
- (1) Dressed in a professional manner, in opaque clothing that is conducive to the holistic services being provided and that completely covers his or her specified body areas;
 - (2) Neat and clean in his or her person and dress; and
 - (3) Civil and well-behaved to members of the public.

§ 545-186. Touching specified body areas prohibited; clients, owners and practitioners to cover specified body areas.

[Amended 2004-07-22 by By-law 656-2004; 2005-07-26 by By-law 719-2005]

- A. No holistic practitioner shall, while providing services as a holistic practitioner, touch in any manner whatsoever the specified body areas of any person or allow his or her specified body areas to be touched.
- B. No owner shall permit any holistic practitioner providing services as a holistic practitioner to touch in any manner whatsoever the specified body areas of any person or allow a practitioner's specified body areas to be touched.
- C. No holistic practitioner shall provide or offer to provide holistic services upon any person unless such person's specified body areas are completely and opaquely covered.
- D. No owner shall permit any holistic practitioner to provide or offer to provide any holistic services upon any person unless such person's specified body areas are completely and opaquely covered.

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ARTICLE XII
(Reserved)⁹⁹

§§ 545-187 to 545-197. (Reserved)

ARTICLE XIII
Sale of Tobacco Products

§ 545-198. Applicability of article.

[Amended 2011-04-13 by By-law 517-2011¹⁰⁰]

This article relates to keepers of stores or shops where tobacco, cigars or cigarettes are sold by retail.

§ 545-199. Licence required for automatic vending machines dispensing tobacco products.

No person licensed under this chapter shall permit or allow an automatic vending machine which sells tobacco, cigars, or cigarettes to be situated upon the premises in respect of which the licence is issued unless he or she shall have previously procured a licence authorizing him or her to sell tobacco, cigars or cigarettes by retail.

§ 545-200. Location of and supervision over automatic vending machines dispensing tobacco products.

Where a licensed person sells tobacco, cigars or cigarettes by means of an automatic vending machine, such machine shall be at all times so located as to be in full view and under the direct supervision of such person or his or her employees.

§ 545-201. Signage concerning minimum age of purchasers of tobacco products.

Every person to whom this article relates shall at all times post and keep posted in a conspicuous place in the premises, in a manner satisfactory to the Municipal Licensing and Standards Division, a sign or signs advising that federal legislation prohibits the sale of tobacco to any person under the age of 18 years and that Provincial legislation imposes restrictions on the sale of tobacco to persons under the age of 19 years.

⁹⁹ Editor's Note: Former Art. XII, Owners of Barber-Shops or Hairstylist or Hairdressing Establishments, was repealed by By-law 629-2013 which came into force July 1, 2013. Despite the repeal of this Article, the provisions shall continue to apply to every person licensed as an owner of a barber shop or hairdressing establishment until the licence issued to such person expires or is renewed as a personal services setting licence, endorsed for hairstyling. See new Art. XLIV, Personal Services Settings.

¹⁰⁰ Editor's Note: As a result of changes in provincial legislation, the City of Toronto has the jurisdiction to licence business establishments located in hotels where previously such businesses were exempted.

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ARTICLE XIV
Keepers of Boats for Hire

§ 545-202. Maintenance of boats; boats not to be rented during unsafe weather conditions; boats not to be rented to certain persons.

Every keeper of boats for hire shall maintain all boats kept for hire in a seaworthy condition and shall carry on the business at all times with a proper regard for the safety of persons hiring such boats and shall not permit any boat to be hired when weather or water conditions render the use of such boat unsafe, and shall not hire a boat to any person who is apparently under the influence of alcohol or is for any other reason, including being apparently under the age of 16 years, incapable of properly and safely handling a boat.

§ 545-203. Identification of boats kept for hire.

Every boat kept for hire shall be clearly marked with a distinctive number and with the name of the livery to which it belongs or, in lieu of such name, with a symbol applying exclusively to such livery and approved by the Municipal Licensing and Standards Division, such number and name or symbol to be in figures, letters or markings at least six centimetres high on the outside of both sides of the boat and near the bow thereof and above the water-mark.

§ 545-204. Bookkeeping requirements.

When a boat is hired, the keeper of such boat shall keep a record showing the date and approximate time of the hiring and the name, address and telephone number, if any, of at least one of the occupants of the boat at the time the same left the keeper's premises and the number of such occupants, and the keeper shall permit the Municipal Licensing and Standards Division to inspect such record at all times.

§ 545-205. Keeper of boats to restrict number of occupants.

No keeper of boats for hire shall permit more persons to occupy any boat which is hired from him or her than can safely be accommodated therein.

§ 545-206. Inspection of boats; unseaworthy boats not to be hired.

Every keeper of boats for hire shall permit the Municipal Licensing and Standards Division and any duly authorized member or employee of the Toronto Police Service or of the Toronto Port Authority to inspect at any time all boats kept for hire and will, if ordered by such person so to do, cease hiring any boat which such person reasonably believes to be unseaworthy.

ARTICLE XV
Drive-Self Vehicles for Hire; School Bus Drivers

§ 545-207. Owners of drive-self rental vehicles used for hire.

A. Every owner of a drive-self rental vehicle shall service the vehicle with gasoline and oil.

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B. Insurance requirements.

- (1) Every owner of a drive-self rental vehicle shall procure a policy of insurance endorsed to the effect that the Municipal Licensing and Standards Division shall be given at least 10 days' notice in writing of any cancellation, expiration or variation in amount of the policy. Each such vehicle shall be insured in at least the following amounts: In the case of bodily injury or death, to the limit of at least \$1,000,000 (exclusive of interest and costs) against loss or damage resulting from bodily injury to or death of any one person, and, subject to such limit for any one person so injured or killed, of at least \$1,000,000 (exclusive of interest and costs) against loss or damage resulting from bodily injury to or death of two or more persons in any one accident, and, in the case of property damage, to the limit of at least \$5,000 (exclusive of interest and costs) for damage to property resulting from any one accident.
[Amended 2003-04-16 by By-law 248-2003¹⁰¹; 2004-10-28 by By-law 988-2004¹⁰²]
- (2) A copy of the policy, or a certificate issued in regard thereto, shall be deposited with the Municipal Licensing and Standards Division.

§ 545-208. Drivers of school busses.

- A. In this section, "driver" means a driver of a school bus licensed or required to be licensed under this chapter.
- B. Every driver shall be able to speak, read and write the English language.
- C. Every driver shall have and maintain in good standing at all times a driver's licence issued by the Province of Ontario, and the school bus driver's licence issued under this chapter shall for all purposes of this chapter be conclusively deemed suspended during any period in which such Provincial licence is under suspension.
- D. Every driver shall carry his or her licence with him or her at all times while he or she is operating a school bus and shall produce same for inspection when requested to do so by the Municipal Licensing and Standards Division or by a police officer.
- E. No driver shall operate or allow to be operated any school bus unless it is:
 - (1) Clean as to its exterior;
 - (2) In good repair as to its exterior;
 - (3) Clean as to its interior; and
 - (4) In good repair as to its interior.
- F. Every driver shall be of the full age of 18 years or over.

¹⁰¹ Editor's Note: The increased insurance amount enacted by this by-law is effective for each licensed vehicle or business on the next insurance policy renewal date for that vehicle or business following the date on which this by-law comes into force; this by-law came into force June 1, 2003.

¹⁰² Editor's Note: This by-law came into force June 1, 2003.

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- G. No driver of a school bus carrying passengers shall smoke a cigar, cigarette, tobacco or other substance while driving the school bus.
- H. No driver shall take, consume or have in his or her possession any liquor while he or she is in charge of a school bus, nor shall the use of liquor by him or her be apparent while in charge of any such school bus.
- I. Every driver while in charge of a school bus shall be properly dressed, neat and clean in his or her person and civil and well-behaved to members of the public with whom he or she is dealing.
- J. When a driver changes his or her address, he or she shall, within 48 hours, attend at the offices of the Municipal Licensing and Standards Division and notify the Municipal Licensing and Standards Division of his or her change of address and produce his or her licence for the change to be entered thereon.
- K. Every driver shall take due care of all property delivered or entrusted to him or her for conveyance or safekeeping. Every driver shall immediately, upon the termination of any hiring or engagement, carefully search his or her school bus for any property lost or left therein, and all property or money left in his or her school bus shall be forthwith delivered over to the person owning the same, or if the owner cannot at once be found, then to the nearest police station, with all information in his or her possession regarding the same.
- L. Where there are reasonable grounds to believe that, by reason of illness, injury or any other physical or mental impairment, the conduct of a driver may not be in accordance with this chapter, or may endanger the health or safety of other persons, the Municipal Licensing and Standards Division and the Toronto Licensing Tribunal may require such driver to be medically examined by a duly qualified medical practitioner, and such medical practitioner may make a report of such examination to the Municipal Licensing and Standards Division or the Toronto Licensing Tribunal, as the case may be.
- M. A driver shall not drive a school bus or allow the same to be driven unless there is a seat available for each child carried therein, and shall not permit children to stand while the vehicle is in motion.
- N. A driver shall not, while such school bus is engaged in transporting children, use such vehicle for hire for any purpose other than the conveyance, to and from a school, of children and of foodstuffs and other articles required for a school and, without limiting the foregoing, shall not at any time use such vehicle for hire for the conveyance of adults within the City of Toronto.

§ 545-209. Owners of drive-self rental motorcycles and motor scooters used for hire.

- A. No owner of a drive-self motorcycle or of a drive-self rental motor scooter shall permit such vehicle to be rented or driven by a person holding only a temporary instruction permit issued by the Ontario Ministry of Transportation under the regulations made under the Highway Traffic Act.
- B. Every owner of a drive-self rental motorcycle and every owner of a drive-self rental motor scooter shall procure a policy of insurance endorsed to the effect that the Municipal

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Licensing and Standards Division will be given at least 10 days' notice in writing of any cancellation, expiration or variation in the amount of the policy insuring in at least the following amount in respect of each such vehicle and shall deposit a copy or certificate thereof with the Municipal Licensing and Standards Division: In the case of bodily injury or death, to the limit of at least \$50,000 (exclusive of interest and costs) against loss or damage resulting from bodily injury to or death of any one person, and, subject to such limit for any one person so injured or killed, of at least \$100,000 (exclusive of interest and costs) against loss or damage resulting from bodily injury to or death of two or more persons in any one accident, and, in the case of property damage, to the limit of at least \$5,000 (exclusive of interest and costs) for damage to property resulting from any one accident.

- C. Every owner of a drive-self rental motorcycle and every owner of a drive-self rental motor scooter shall keep a written record of the names and addresses of all persons to whom such vehicle is rented, which record shall indicate clearly and legibly the dates and times at which the said vehicle was taken out and returned and the number of the licence plate issued by the Municipal Licensing and Standards Division as hereinafter described; and such record shall be open and available for inspection by the Municipal Licensing and Standards Division at all reasonable hours.
- D. Reserved.¹⁰³

§ 545-210. Owners of drive-self rental snowmobiles used for hire.

- A. Every owner of a drive-self rental snowmobile shall:
 - (1) Service the vehicle with gasoline and oil; and
 - (2) Procure a policy of insurance endorsed to the effect that the Municipal Licensing and Standards Division will be given at least 10 days' notice in writing of any cancellation, expiration or variation in the amount of the policy insuring in at least the following amount in respect of each such vehicle and shall deposit a copy or certificate thereof with the Municipal Licensing and Standards Division: In the case of bodily injury or death, to the limit of at least \$50,000 (exclusive of interest and costs) against loss or damage resulting from bodily injury to or death of any one person, and, subject to such limit for any one person so injured or killed, of at least \$100,000 (exclusive of interest and costs) against loss or damage resulting from bodily injury to or death of two or more persons in any one accident, and, in the case of property damage, to the limit of at least \$5,000 (exclusive of interest and costs) for damage to property resulting from any one accident.
- B. No owner of a drive-self rental snowmobile shall lease such vehicle or permit such vehicle to be leased to any person under 16 years of age.

¹⁰³ This Subsection was repealed February 7, 2012 by By-law 206-2012.

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ARTICLE XVI
Places of Amusement

§ 545-211. Applicability of article.

This article applies to owners or keepers of exhibitions, theatres, music halls, moving picture shows, public halls, places of amusement, roller-skating-rinks, merry-go-rounds, switchback railways, carousels and other like contrivances, exhibitions of wax-works, menageries, circus-riding and other like shows usually exhibited by showmen.

§ 545-212. Good order to be maintained; sufficient staff to be hired.

Every person to whom this article relates shall keep good order in or at any building or premises in respect to which a licence has been issued, and at his or her own expense shall keep a sufficient staff of employees for that purpose.

§ 545-213. Hours of operation of roller-skating-rinks and similar places of amusement.

Every person licensed as the owner or keeper of a roller-skating-rink or other place of like amusement shall keep such rink or place of amusement closed between the hours of 1:00 a.m. and 8:00 a.m. on the same morning, except where the permission of the Executive Director or his or her designate to remain open is obtained for the purpose of allowing a function to be conducted under the auspices of a recognized patriotic, fraternal, charitable or religious organization which is to receive the proceeds of the function. **[Amended 2012-02-07 by By-law 206-2012]**

§ 545-214. Regulations for public dance halls.

- A. The licensee of every public hall in which dances are held shall observe the following regulations:
- (1) Dancing shall cease not later than 45 minutes past 12:00 in the forenoon on each day and shall not commence before 9:00 in the forenoon of the following day, except where the permission of the Executive Director or his or her designate to remain open is obtained for the purpose of allowing a function to be conducted under the auspices of a recognized patriotic, fraternal, charitable or religious organization which is to receive the proceeds of the function; **[Amended 2012-02-07 by By-law 206-2012]**
 - (2) No person shall be allowed to be in such hall during dancing hours who, in the opinion of the Chief of Police or of any police officer or other person whom he or she may designate for such purpose, is of immoral character or conducts himself, or herself, in a loose, disorderly or improper manner.
- B. This section shall not apply to private dances which are attended only by the guests of the person holding such private dance or to dances given under the auspices of a bona fide patriotic, fraternal, charitable or religious organization.

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§ 545-215. Security to be provided when queues are formed to gain admittance to theatres.

Every licensee of a theatre which is located so as to cause the frequent forming of queues for the purpose of gaining entrance to such theatre shall have a uniformed attendant present, whenever any such queue is formed, for the purpose of regulating such queue and prohibiting undue obstruction of the highway by such queue.

§ 545-216. Hours of operation of theatres and moving picture shows.

- A. Save as provided in Subsections B, C and D, the owner or keeper of every theatre or moving picture show shall not permit any person other than a person employed by him or her to enter his or her theatre or moving picture show between the hours of 1:00 in the forenoon and 8:00 in the forenoon of the same day. **[Amended 2012-02-07 by By-law 206-2012]**
- B. The owner or keeper of every theatre or moving picture show may keep his or her theatre or moving picture show open between the hours of 12:01 and 8:00 in the forenoon on the Monday immediately preceding the 25th day of May in any year and on any Canada Day, civic holiday, Easter Monday, Labour Day, Thanksgiving Day, December 26 and January 1, except upon any of such days which falls upon a Sunday.
- C. When December 26 or January 1 in any year occur on Sunday, every such owner or keeper may open and keep open his or her theatre or moving picture show between the hours of 12:01 and 8:00 in the forenoon of the Monday following such days.
- D. Notwithstanding the foregoing provisions, the owner or keeper of every theatre or moving picture show may keep same open during the prohibited hours, provided the performance thereat is given under the auspices of a recognized organization or a patriotic, fraternal or charitable society or other similar organization, and the approval of the Executive Director or his or her designate has been first obtained.

§ 545-217. Order to cease advertising.

Every person to whom this article relates shall, upon being ordered so to do by the Municipal Licensing and Standards Division, cease to publish, display or circulate any poster, handbill, card, novelty, notice, newspaper advertisement or other matter used to advertise his or her business or any show or other performance, and shall obliterate, withdraw, remove or destroy any such poster, handbill, card, novelty, notice, advertisement or other matter.

§ 545-218. Reserved.¹⁰⁴

§ 545-219. Proof of insurance coverage for employees of travelling shows required.

- A. Every applicant for a licence in respect of a travelling show shall, when applying for such licence or licences, file with the Municipal Licensing and Standards Division proof, in a

¹⁰⁴ This Section, entitled "Daily licence required for circuses and other travelling exhibitions", was repealed February 7, 2012 by By-law 206-2012.

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form satisfactory to the Municipal Licensing and Standards Division, that those employees and workers of such travelling show who reside in the City of Toronto are protected under the provisions of the Workplace Safety and Insurance Act, 1997, as amended, and that all assessments under the said Act in respect of the said employees and workers have been paid, or that the said employees and workers are protected in some other satisfactory manner similar to the said Act.

- B. Whenever the licensee of any public hall rents or leases such public hall to or otherwise authorizes the use thereof by any travelling show, such licensee shall, before such travelling show takes possession of or enters into occupation of such public hall, file with the Municipal Licensing and Standards Division proof, in a form satisfactory to the Municipal Licensing and Standards Division, that those employees and workers of such travelling show, who reside in the City of Toronto, are protected under the provisions of the Workplace Safety and Insurance Act, 1997, as amended, and that all assessments under the said Act in respect to the said employees and workers have been paid, or that the said employees and workers are protected in some other satisfactory manner similar to the said Act.
- C. No person or persons owning or having control or charge of any travelling show shall locate same anywhere in the City of Toronto or commence to assemble or erect any tent, shelter, cage, pole, stand, platform, seating accommodation, machinery, plant, apparatus or mechanical device or ride, or any other structure or erection until the requirements of § 545-219A hereof have been complied with, and no licensee of a public hall who has leased or rented such public hall or authorized the use of the same by a travelling show shall permit or allow such travelling show to assemble or erect in such public hall any tent, shelter, cage, pole, stand, platform, seating accommodation, machinery, plant, apparatus or mechanical device or ride, or any other structure or erection until the requirements of § 545-219B hereof have been complied with.

§ 545-220. Hours of operation of miniature golf courses and similar places of amusement.

No person to whom this article relates who owns or keeps a miniature golf course, golf driving course or similar place of amusement shall keep the same open or allow any person to play thereon at any time between the hour of 11:45 in the afternoon and the hour of 8:00 in the forenoon of the following day, except where a function is being held under the auspices of a patriotic, fraternal, charitable or religious organization which is receiving the proceeds of the function and the approval of the Executive Director or his or her designate has been obtained.
[Amended 2012-02-07 by By-law 206-2012]

§ 545-221. Insurance requirements.

- A. Every person to whom this article relates shall, for each place, premises or contrivance for which he or she holds a licence, procure a policy of insurance insuring against occupier's liability and endorsed to the effect that the Municipal Licensing and Standards Division shall be given at least 10 days' notice in writing of any cancellation, expiration or variation in the amount of the policy, and insuring in at least the following amounts: In the case of bodily injury or death, to the limit of at least \$1,000,000 (exclusive of interest and costs)

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against loss or damage resulting from bodily injury to or death of any one person, and, subject to such limit for any one person so injured or killed, of at least \$1,000,000 (exclusive of interest and costs) against loss or damage resulting from bodily injury to or death of two or more persons in any one accident, or, in the case of property damage, to the limit of at least \$25,000 (exclusive of interest and costs) for damage to property resulting from any one accident. [Amended 2003-04-16 by By-law 248-2003¹⁰⁵]

- B. A certified copy of the policy, or a certificate issued in regard thereto, shall be deposited with the Municipal Licensing and Standards Division.
- C. Provided that, where it is made to appear to the Executive Director or his or her designate that no special risk is involved in the type or nature of the operation on any premises to which this article relates, the Executive Director or his or her designate may, in his or her discretion, dispense in whole or in part with the insurance requirements in relation to such premises.

§ 545-222. Regulations for trampoline and rebound tumbling centres.

The operator of every trampoline or rebound tumbling centre shall:

- A. Have in attendance, for each 12 units operating, one qualified supervisor who has been trained and is experienced in the supervision and control of trampolines or rebound tumbling equipment, whenever the centre is open to the public. Such supervisor shall be the holder of a standard first aid certificate issued by St. John Ambulance or a current first aid certificate issued by the Canadian Red Cross Society;
- B. Permit or allow only one person on each unit at the same time;
- C. Keep units at least 0.9 metre apart on both sides and 1.2 metres apart on both ends with a minimum of 1.8 metres from fence to trampoline;
- D. Keep a register showing the name and address of each patron, the date and time that such patron was in the centre; and
- E. Keep closed between the hours of 10:00 in the afternoon and 8:00 in the forenoon of the next following day.

§ 545-223. Exemption for licensed public halls.

No person who is licensed under the Liquor Licence Act, in respect of a public hall, shall be required to obtain a licence under this chapter as the owner or keeper of such public hall.

¹⁰⁵ Editor's Note: The increased insurance amount enacted by this by-law is effective for each licensed vehicle or business on the next insurance policy renewal date for that vehicle or business following the date on which this by-law comes into force; this by-law comes into force June 1, 2003.

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ARTICLE XVII
Hawkers and Pedlars

§ 545-224. Applicant to submit photographs; display of plate on vehicle; identification of licensee on vehicle.

- A. Every applicant for a licence under this article shall submit with his or her application three photographs of himself or herself, one of such photographs to be attached to the licence and the other two to be filed with the Municipal Licensing and Standards Division, and upon application for renewal of any licence, shall furnish new photographs if required so to do by the Municipal Licensing and Standards Division.
- B. Every person licensed under this article who goes from place to place or to a particular place with any wagon, cart or other vehicle shall, at the time of the issue of his or her licence, receive from the Municipal Licensing and Standards Division a plate bearing a number which shall be affixed on a prominent place on the left-hand side of the outside of such wagon, cart or other vehicle, and shall remain thereon during the period for which the licence is granted; and no other device displaying a number shall be exhibited upon the outside of such wagon, cart or other vehicle. Such plate shall be returned to the Municipal Licensing and Standards Division at the expiration of the term of the licence. Every such licensed person shall have his or her name and address legibly printed on each side of his or her vehicle in letters at least 7.5 centimetres in height.

§ 545-225. Operation before sunrise prohibited.

No person to whom this article relates shall engage in or carry on his or her respective trade, business or occupation by passing from house to house or along streets or lanes in the City of Toronto before sunrise on any day.

§ 545-226. Limitations on employees of licensee.

No such person who is licensed to carry on business, with or from a motor vehicle or wagon, shall employ:

- A. Any person as a helper to assist in peddling from such motor vehicle or wagon who is not licensed to do so; or
- B. More than three helpers on or in connection with such motor vehicle or wagon.

§ 545-227. Restriction on where vehicles are stopped.

No person to whom this article relates, who uses a push cart or other vehicle propelled by muscular power or a motor vehicle or horse-drawn wagon, shall stop within 30 metres of any entrance to school grounds, a public park or public dock or wharf where ferries take on and discharge passengers, except when necessary to avoid conflict with other traffic, or in compliance with the directions of a constable or other police officer, or of a traffic control sign or signal.

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ARTICLE XVIII
Owners and Operators of Laundries

§ 545-228. Separate licence for certain premises.

- A. Every person to whom this article relates shall be required to take out a separate licence for each premises owned or occupied by him or her where laundry work is done, but shall not be required to take out a licence for premises used for the purpose of collecting, receiving or returning clothes or materials upon which the laundry work is to be or has been done in a laundry premises owned or occupied by such person.
- B. Every person to whom this article relates shall be required to take out a separate licence for each premises used for the purpose of collecting, receiving or returning clothes or materials upon which the laundry work is to be or has been done in a laundry premises not owned or operated by such person.

§ 545-229. Maintenance of premises and related equipment and vehicles.

Every person who is the holder of a licence to which this article applies shall keep his or her premises and the appurtenances thereto belonging, and his or her offices, wagons, carts and other vehicles used in collecting or delivering laundry work, clean and in a sanitary condition, and shall not allow any of the workrooms used for carrying on said laundry business to be used as a sleeping room.

§ 545-230. Hours of operation restricted for certain machinery.

Such licensee shall not, after the hour of 8:00 in the afternoon of any day or before the hour of 11:00 in the forenoon of any day, use or permit to be used on his or her premises any machinery driven by steam, electric or other motive power, but this restriction shall not apply to coin-operated domestic-sized washing machines.

§ 545-231. Display of licence.

If the holder of a licence to which this article applies does not own or control the premises in which the laundry work collected by him or her is done, he or she shall post his or her licence in a conspicuous place in an office, wagon, cart or other vehicle used by him or her for collecting or delivering laundry work, and said licence shall remain posted during the time it is in force.

§ 545-232. Display of plate; identification of licensee.

- A. Reserved.¹⁰⁶
- B. All branch offices, and other places where laundry work is collected, received from or delivered to the public, must have a sign containing the name and address of the laundry controlling or owning such branch office, or for whom the laundry work is received, plainly affixed in a prominent place on the outside street wall of such office, said laundry

¹⁰⁶Editor's Note: This Subsection was repealed February 7, 2012 by By-law 206-2012.

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name and address to be legibly printed in letters at least 10 centimetres high, and to have attached to said sign the plate hereinbefore provided for, said plate to bear the number of the licence, and no laundry work may be collected at, received from or delivered to the public from any premises unless the premises complies with the provisions of this chapter.

§ 545-233. Identification of operator of premises containing coin-operated washing machines and dryers.

Every person carrying on the business of making available to the public the use of coin-operated washing machines and dryers shall post in a conspicuous place on all premises where such machines are kept a sign in clearly legible letters satisfactory to the Municipal Licensing and Standards Division stating the name, address and telephone number of the person responsible for the operation of the premises.

§ 545-234. Premises to be kept clean and tidy.

Every person to whom this article relates shall ensure that all premises used by him or her for a business referred to in this article are kept in a neat, clean and in tidy condition.

ARTICLE XIX

§§ 545-235 to 545-245. (Reserved)¹⁰⁷

ARTICLE XX
Pet Shops

§ 545-246. Definitions.

As used in this article, the following terms shall have the meanings indicated:

KEEPER - The owner or operator of a pet shop licensed or required to be licensed as such under this chapter.

PET SHOP - A shop or place where animals or birds for use as pets are sold or kept for sale.

RESCUE GROUP - A not-for-profit or charitable organization, registered with Toronto Animal Services, whose mandate and practices are predominately the rescue and placement of animals and facilitating the spaying or neutering of animals for animal welfare purposes. **[Added 2013-02-21 by By-law 182-2013]**

VETERINARIAN - A person registered and entitled to practise veterinary science under the Veterinarians Act, as amended.

¹⁰⁷ Editor's Note: Art. XIX, respecting the sale of horse meat and fresh meat, was deleted October 2, 2015 by By-law 973-2015.

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§ 545-247. Separate licence required for each pet shop.

A separate licence shall be taken out for each pet shop.

§ 545-248. Review of application by Medical Officer of Health.

Every application for a keeper's licence shall be submitted by the Municipal Licensing and Standards Division to the Medical Officer of Health, and any report received by the Municipal Licensing and Standards Division in response thereto shall be considered in the determination of whether or not the licence should be issued or refused in accordance with this chapter.

§ 545-249. Regulations for pet shops.

Every keeper shall comply with and ensure compliance with the following requirements in the operation of the pet shop kept by him or her:

- A. During the period in which a licence issued to him or her under this chapter is in force, there shall be exhibited over the street door or in the lower front window of the pet shop in respect of which such licence is issued or in some other conspicuous place satisfactory to the Municipal Licensing and Standards Division a sign having in plain letters not less than 15 centimetres in height in the English language the words "Licensed Pet Shop," and such licence shall be kept continuously exposed in a conspicuous place in the interior of the premises.
- B. The pet shop shall be maintained at all times in a sanitary, well-ventilated, clean condition, and free from offensive odours.
- C. Every animal and bird shall be kept in sanitary, well-bedded, well-lighted, clean quarters, kept at a temperature appropriate for the health requirements of the type or species of animal or bird housed therein.
- D. Where the quarters used for the housing of any animal or bird form part of or are physically attached to a building used for human habitation or to which the public have access, such quarters shall have a concrete or other impermeable floor with a drain opening constructed as a plumbing fixture, and such floor shall be thoroughly cleaned and washed with water at least once each day, or more often than once if necessary to keep the said floor clean.
- E. Every cage or other container used for the keeping or housing of any animal or bird shall:
 - (1) Be of adequate size to permit any such animal or bird to stand normally to its full height, to turn around, and to lie down in a fully extended position.
 - (2) In the case of a cage or other container used to keep or house only birds, have a removable metal or other impermeable bottom which shall be cleaned daily.
 - (3) In the case of all other cages or containers, have a floor of either solid or wire mesh construction or any combination thereof, provided that:
 - (a) All spaces in wire mesh shall be smaller than the pads of the foot of any animal confined therein;

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- (b) Any such wire mesh shall be of a thickness and design adequate to prevent injury to any such animal; and
 - (c) Such floor shall be of sufficient strength to support the weight of any such animal.
- (4) Be equipped with receptacles for food and for water, so mounted or situated that they cannot be easily overturned or contaminated.
- F. Water shall be provided daily to every animal or bird in sufficient quantity to maintain at all times a potable supply available to such bird or animal.
- G. Animals and birds shall be fed periodically each day in accordance with the particular food requirements of each type or species of animal or bird kept in the said pet shop.
- H. Light in the premises shall be sufficient to permit observation of all birds and animals kept there.
- I. Each cage containing birds shall be of sufficient size and dimensions to enable all birds to have sufficient perch space to permit full extension of their wings in every direction.
- J. All cages, tanks, containers or other enclosures in which animals or birds are housed on the premises shall be located in such a way as to provide maximum comfort to satisfy the known and established needs for the particular species so housed and shall be provided with safeguards to prevent extreme environmental changes and to prevent undue direct physical contact with such birds or animals by the general public.
- K. No more than 20 budgerigars or canaries or 25 finches, nor any combination of more than 25 such birds, shall be contained in a single cage with dimensions smaller than 68.6 centimetres by 40.6 centimetres by 78.7 centimetres.
- L. No more than 15 budgerigars or canaries or 20 finches nor any combination of more than 20 such birds shall be contained in a single cage with dimensions smaller than 61 centimetres by 35.6 centimetres by 40.6 centimetres.

§ 545-250. Instruction and supervision of bird and animal handlers.

The keeper shall ensure that all persons responsible for the care, feeding or cleaning of birds or animals are adequately instructed and supervised in the handling and care of all such birds and animals.

§ 545-251. Quarters not to be crowded; sale of diseased and unfit animals; display in shop windows.

No keeper shall:

- A. Keep his or her stock of animals or birds in crowded quarters or cages.
- B. Sell any diseased animal or bird. The following shall deem an animal unfit for sale or release:

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- (1) Obvious signs of infectious diseases such as distemper, hepatitis, leptospirosis, rabies, or other similar diseases.
 - (2) Obvious signs of nutritional deficiencies, including rickets or emaciation.
 - (3) Obvious signs of severe parasitism severe enough to be influencing the general health of the animal.
 - (4) Obvious fractures or congenital abnormalities affecting the general health of the animal.
- C. Display any animal or bird in a shop or display window except at the rear of such window out of draughts and rays of the sun.

§ 545-252. Care of sick animals.

Every keeper shall ensure that any animal or bird indicating signs of sickness or disease is examined and appropriately treated within 24 hours of the onset of illness by a veterinarian or other qualified person experienced in the care and treatment of the species concerned and that such animal or bird is kept in a quarantine area, separate from all other birds and animals until such illness has been cured.

§ 545-253. Mammals to be weaned prior to sale.

No keeper shall sell, permit to be sold, offer for sale or give away any mammal before it has reached the normal weaning age, based on known requirements of that particular species.

§ 545-254. Incompatible animals not to be housed together.

Incompatible animals of different species shall not be confined or displayed in the same cage.

§ 545-255. Receipt and certificate of health to be provided upon sale or disposal of dogs and cats.

[Amended 2011-09-22 by By-law 1163-2011]

- A. Whenever a keeper sells or otherwise disposes of a dog or cat, he or she shall give to the purchaser a receipt showing the name and address of the vendor and the purchaser, the date of the sale, the sale price, and the breed or cross-breed, sex, age and description, including colour and placing of markings, if any, of the dog or cat, and an up-to-date certificate of health from a veterinarian with respect to such dog or cat.
- B. Every keeper who is obliged to provide a receipt showing the matters set out in § 545-255A shall post, in a conspicuous place, a notice provided by the Municipal Licensing and Standards Division advising customers of the required content of the receipt.

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C. Reserved.¹⁰⁸

§ 545-256. Register concerning dogs and cats to be kept.

[Amended 2011-09-22 by By-law 1163-2011]

- A. Every keeper shall keep a register, in a format satisfactory to the Executive Director of Municipal Licensing Standards in which shall be entered in the English language, a record of each dog and cat purchased or otherwise obtained. Each entry shall be made at the time each dog or cat comes into such keeper's possession, and shall include, in addition to the date of purchase, a full description of the dog or cat, together with the name, address and description of the person from whom it was purchased or otherwise obtained. The keeper shall retain the register in respect of each such transaction for the period of 12 months thereafter.
- B. Every keeper shall ensure that the aforesaid register is not mutilated or destroyed and shall keep it open to inspection by the Municipal Licensing and Standards Division, or any person designated by the Executive Director, at all times during business hours and shall make it available to be removed at any time for inspection or for use in the courts, if necessary. The keeper shall not be responsible for neglecting to make the necessary entries in the said register while it is removed from his or her premises for this reason.

§ 545-257. Keepers to report suspicions concerning attempts to sell stolen dogs.

Every keeper shall make every reasonable effort to obtain the name, address and description of anyone offering to him or her any dog which he or she has cause or reason to suspect has been stolen or otherwise unlawfully obtained, and he or she shall report the facts promptly to the nearest police station.

§ 545-258. Inspection of premises.

The Medical Officer of Health or his or her designate, the Municipal Licensing and Standards Division, and any other person authorized by the Executive Director or his or her designate may inspect any shop or place where animals or birds for use as pets are sold or kept for sale.

[Amended 2015-10-02 by By-law 973-2015]

§ 545-259. Attendant to be present during business hours.

A keeper shall ensure that whenever he or she is absent from the pet shop or from the part of the premises used for the keeping or housing of animals or birds, during the business hours of such shop, there is an attendant in charge of and responsible for the care and safe keeping of his or her pet stock.

¹⁰⁸ Editor's Note: This subsection was deleted February 21, 2013 by By-law 182-2013.

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§ 545-260. Regulations concerning the sale of poultry.

No keeper shall:

- A. Sell or permit the sale of any dyed chick or other dyed live poultry;
- B. Sell or permit the sale of any chick, duckling or other live poultry in quantities fewer than 12 per sale; or
- C. Sell, give away or otherwise dispose of any chick, duckling or other live poultry as a bonus to a sale of, or as part of a sale of, any other goods, products or services.

§ 545-260.1. Retailers to obtain animals from specified sources.

[Added 2011-09-22 by By-law 1163-2011]

Every retailer, including any person or business that sells more than 10 dogs per year, must obtain animals from one of the following sources only:

- A. municipal animal shelters;
- B. registered humane societies;
- C. registered shelters or rescue groups; or
- D. from people who have surrendered their pets to them at no charge.

§ 545-260.2. Pet shops to obtain animals from specified sources.

[Added 2013-02-21 by By-law 182-2013]

Every keeper of a pet shop must obtain cats and dogs from only the following sources:

- A. municipal animal shelters;
- B. registered humane societies;
- C. registered shelters; and
- D. rescue groups.

ARTICLE XXI
(Reserved)¹⁰⁹

§§ 545-261 to 545-262. (Reserved)

¹⁰⁹ Editor's Note: Former Art. XXI, Owners and Operators of Public Address Systems, Sound Equipment, Loudspeakers and Similar Devices, was repealed September 27, 2006 by By-law 964-2006. See now Ch. 591, Noise.

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ARTICLE XXII
Public Garages

§ 545-263. Classifications of public garage licences.

A public garage licence may be issued by the Municipal Licensing and Standards Division restricted to one or more of the following classifications:

- A. A building or a place where motor vehicles are hired, used for hire, sold or kept for sale capable of accommodating: **[Amended 2015-07-09 by By-law 804-2015¹¹⁰]**
 - (1) Not more than five motor vehicles;
 - (2) Six to 10 motor vehicles; or
 - (3) More than 10 motor vehicles.
- B. A building or place where gasoline or oil is sold or kept for sale.
- C. A building or place used as a motor vehicle repair shop other than as described in Subsection D.
- D. A building or place used as a motor vehicle repair shop limited to making minor or running repairs.
- E. A building or place used for washing or cleaning motor vehicles by mechanical means.
- F. A building or buildings used for washing or cleaning motor vehicles by other than mechanical means.
- G. A collision reporting centre.

§ 545-264. Owner and operator to file schedule of storage rates.

[Amended 2017-11-09 by By-law 1238-2017]

- A. Every owner or operator of a public garage that charges for the storage of a motor vehicle shall file a schedule of rates for such storage with the Municipal Licensing and Standards Division.
- B. Every owner or operator of a public garage shall give a copy of the schedule of rates filed under this section to the owner of a motor vehicle stored at the public garage upon request.
- C. No owner or operator of a public garage shall change the schedule of rates filed under this section unless the owner or operator gives 15 days' written notice of such changes to the Municipal Licensing and Standards Division.
- D. No owner or operator of a public garage shall demand, request or accept payment for the storage of a motor vehicle other than in accordance with the schedule of rates filed under this section.

¹¹⁰ Editor's Note: By-law 804-2015 came into force September 1, 2015.

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§ 545-264.1. Owner and operator to obtain authorization for repair or storage.

[Added 2017-11-09 by By-law 1238-2017]

Every owner or operator of a public garage that charges for vehicle repair or storage services shall obtain written authorization from the owner of the motor vehicle or a person authorized to act on behalf of the motor vehicle owner before providing or charging for such repair or storage services.

§ 545-264.2. Final bill when estimate of costs provided.

[Added 2017-11-09 by By-law 1238-2017]

No owner or operator of a public garage that charges for vehicle repair or storage services shall, where an estimate of the cost of such services is given to a motor vehicle owner or person authorized to act on behalf of the motor vehicle owner, charge an amount more than 10 percent above the estimated cost.

§ 545-264.3. Owner and operator to allow access to personal property.

[Added 2017-11-09 by By-law 1238-2017]

Every owner or operator of a public garage that provides vehicle repair or storage services shall allow the owner of a motor vehicle or a person authorized to act on behalf of the motor vehicle owner access to the vehicle during regular business hours for the purpose of removing any personal property it contains at no additional cost or fee.

§ 545-265. Conditions precedent to receiving vehicles towed from private property.

No owner or operator of a public garage shall store, park or receive at his or her public garage any vehicle which has been towed from private property without the consent of the owner of the vehicle unless:

- A. Subject to Subsection D of this section, the vehicle bears a penalty notice issued in accordance with Chapter 610, Penalties, Administration of; **[Amended 2017-07-07 by By-law 797-2017¹¹¹]**
- B. A Toronto Police Services tow card issued by the municipal law enforcement officer who issued the penalty notice, or by a police officer, police cadet, or municipal law enforcement officer employed by the Toronto Police Service, is provided to such owner or operator at the time the vehicle is first received at such public garage; and **[Amended 2017-07-07 by By-law 797-2017¹¹²]**
- C. A sign approved by the Executive Director, bearing letters and numbers not less than 7.5 centimetres in height, and bearing a representation of a penalty notice and a Toronto

¹¹¹ Editor's Note: By-law 797-2017 came into effect August 28, 2017.

¹¹² Editor's Note: By-law 797-2017 came into effect August 28, 2017.

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Police Service tow card, has been posted at the said public garage in a clearly visible location, stating: **[Amended 2017-07-07 by By-law 797-2017¹¹³]**

- (1) The name, address, telephone number and hours of operation of the said public garage;
- (2) A twenty-four-hour phone number for the owner or operator of the said public garage, or an employee thereof, by which persons may receive an immediate response to complaints in respect of the public garage;
- (3) All fees which may be charged or received by the said public garage in relation to such vehicle; and
- (4) That the said public garage has no lien on the vehicle arising from the towing or storage of the vehicle unless a Toronto Police Service tow card has first been issued in relation to such vehicle.

D. Subsection A of this section does not apply where the vehicle does not bear a number plate issued under the Highway Traffic Act, as amended.

§ 545-266. Garage owner to notify Parking Enforcement Unit upon receipt of vehicle towed from private property.

Every owner or operator of a public garage which stores, parks or receives at his or her public garage a vehicle which has been towed from private property without the consent of the owner of such vehicle shall, immediately upon receipt of such vehicle, forward the Toronto Police Service tow card issued in relation to such vehicle, or the information contained therein, to the Parking Enforcement Unit by facsimile transmission or by such other method or form of transmission as may be approved by the Parking Enforcement Unit.

§ 545-267. Conditions precedent to garage owner charging owner of vehicle towed from private property.

No owner or operator of a public garage shall demand any payment whatsoever for services provided in relation to a vehicle which has been towed from private property without the consent of the owner of the vehicle unless:

- A. Section 545-265 of this article has been complied with;
- B. The Toronto Police Services tow card issued in relation to the vehicle is first provided to the owner of the vehicle; and
- C. The owner of the vehicle has been provided with a statement, in a form approved by the Executive Director, containing the information set out in the sign referred to in § 545-265 of this article.

¹¹³ Editor's Note: By-law 797-2017 came into effect August 28, 2017.

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§ 545-268. Owners and operators of public garages other than those described in § 545-270 and to owners and keepers of service stations.

- A. No person to whom this section relates shall store or park or allow to be stored or parked thereat for a longer period than 48 hours any trailer used for human habitation while so stored or parked.
- B. No person to whom this section relates shall remove or cause to be removed any snow from his or her public garage to any sidewalk or roadway upon which such premises abuts.
[Amended 2015-10-02 by By-law 973-2015]
- C. Every person to whom this section relates shall at all times permit the Municipal Licensing and Standards Division to enter the licensed premises and make such inspection as may be deemed necessary in order to ascertain whether or not the provisions of this chapter are being complied with.
- D. Adequate ventilation to be provided; environmental certificate of approval.
 - (1) No person to whom this section relates shall permit the engine of a motor vehicle in any building to run, whether on a frame or in a motor vehicle while stationary, unless adequate ventilation is provided to ensure dilution of any carbon monoxide fumes.
 - (2) No public garage licence shall be issued in respect of a building for which no licence was issued in the previous year unless the applicant satisfies the Municipal Licensing and Standards Division that the Ministry of Labour for the Province of Ontario has approved the plans for providing adequate ventilation facilities in that part of the building where motor cars may be stored or repaired.
 - (3) No public garage licence shall be issued in respect of a motor vehicle repair shop, or for any other building or place to be used for the spray-painting of vehicles, for which no licence was issued in the previous year, unless the applicant produces to the Municipal Licensing and Standards Division with his or her application the certificate of approval issued pursuant to the *Environmental Protection Act* in respect of any plant, structure, equipment, apparatus, mechanism or thing to be used in the operation of such public garage, where the obtaining of such a certificate is required by that statute.

§ 545-269. Reserved.¹¹⁴

§ 545-270. Owners and keepers of public garages used as car wash establishments.

- A. Definitions. As used in this section, the following terms shall have the meanings indicated:
 - CAR WASH - A facility for the washing of cars and includes a mechanical car wash.
 - (1) DRY MECHANICAL CAR WASH - A facility for washing cars where the car is moved through a series of cleaning and drying processes.

¹¹⁴ Editor's Note: Section 545-269 entitled "Owners and keepers of public garages used as parking stations and parking lots" was deleted in its entirety by By-law 804-2015 which came into force September 1, 2015.

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- (2) WET MECHANICAL CAR WASH - A facility for washing cars without a drying process where the vehicle is moved through a cleaning process only.
- (3) STATIONARY MECHANICAL CAR WASH - A facility for washing cars without a drying process where the vehicle remains in a stationary position throughout the cleaning process.
- (4) MANUAL CAR WASH - A facility for washing vehicles by means of a hand-held device.

PUMPING LANE - That area immediately adjacent to the gasoline pump or pumps as the case may be.

- B. This section shall not apply to a bay contained within a service station where the floor area is not primarily used for car washing.
- C. No person to whom this section relates shall remove or cause to be removed any snow from his or her public garage to any sidewalk or roadway upon which such premises abuts.
[Amended 2015-10-02 by By-law 973-2015]
- D. Adequate ventilation to be provided.
 - (1) No person to whom this section relates shall permit the engine of a motor vehicle in any building to run, whether on a frame or in a motor vehicle while stationary, unless adequate ventilation is provided to ensure dilution of any carbon monoxide fumes.
 - (2) No public garage licence shall be issued in respect of a building for which no licence was issued in the previous year, unless the applicant satisfies the Municipal Licensing and Standards Division that the Ministry of Labour for the Province of Ontario has approved the plans for providing adequate ventilation facilities in that part of the building where motor cars may be stored or repaired.
- E. Every owner and every keeper of a public garage used as a car wash establishment shall comply with or ensure compliance with the following provisions in respect of such public garage, and no such public garage shall be used for the washing or cleaning of motor vehicles unless every such provision applicable thereto has been complied with:
 - (1) The point at which the cars leave the car wash building shall be at least 12 metres from the street line of the street which the cars will enter when leaving the premises.
 - (2) Vehicle waiting areas.
 - (a) Vehicle waiting spaces shall be rectangular and six metres long by three metres wide and shall be provided on lands forming part of and being contiguous to the car wash premises;
 - (b) The vehicle waiting area for dry mechanical car washes shall consist of at least 24 vehicle spaces in not more than two waiting lines;
 - (c) The vehicle waiting area for wet mechanical car washes shall consist of at least 14 vehicle waiting spaces in not more than two waiting lines;

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- (d) The vehicle waiting area for stationary mechanical car washes shall consist of at least seven waiting spaces in tandem;
 - (e) The vehicle waiting area for manual car washes shall consist of at least two vehicle waiting spaces in tandem before each washing bay, or, in the alternative, the total number of spaces required for the facility may be located in up to two lines, provided that there is at least nine metres' clearance between the waiting line and the nearest wash bay;
 - (f) Waiting lines shall be clearly defined by approved markings or barriers;
 - (g) The minimum inside turning radius for a waiting line shall be seven metres; and
 - (h) The waiting line shall be physically separated from all other traffic movements.
- (3) Driveways and vehicle entrance ramps.
- (a) All driveways used in connection with a public garage used as a car wash establishment shall have the following dimensions:
 - [1] One-way driveways shall not be over six metres or under three metres in width.
 - [2] Two-way driveways shall not be over nine metres or under six metres in width.
 - [3] A one-way driveway serving more than one facility of the public garage shall not be more than seven metres in width.
 - (b) Vehicle entrance ramps from the street to a dry mechanical car wash or a wet mechanical car wash shall be not less than 45 metres from any major intersection.
 - (c) Vehicle entrance ramps from the street to a stationary mechanical car wash or a manual car wash shall be not less than 30 metres from any major intersection.
 - (d) At the point where driveways cross the street line, they shall be located not less than 1.5 metres from the property line of any land used in connection with the public garage.
 - (e) One-way driveways shall be clearly signed at the street line.
- (4) Where a public garage used as a car wash establishment is adjacent to a residential area, the boundary between the public garage and the residential area shall be screened in a manner approved by the Executive Director or his or her designate.
- (5) All outside areas used for the parking, storage or operation of motor vehicles shall be paved.
- (6) Drainage and sewer connections.
- (a) All external and internal drainage shall be connected directly to sewers.

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- (b) A sand trap shall be installed in each drain line connecting a washing area to the sewers.
 - (7) During hours of business, a minimum illumination of 8.61 lux shall be provided at all parts of the premises used as a public garage.
- F. Manual coin-operated car washes near residential areas.
- (1) Definitions. As used in this subsection, the following terms shall have the meanings indicated:

MANUAL COIN-OPERATED CAR WASH - A facility for washing vehicles by means of a hand-held device which is activated by the placement or insertion of coins therein.

RESIDENTIAL AREA - An area zoned to permit residential uses.
 - (2) Subject to Subsection F(3) of this section, no owner or keeper of a manual coin-operated car wash located within 122 metres of a residential area shall open such facility for business, or permit such facility to be open for business, between the hours of 9:00 p.m. to 7:00 a.m. from October 1 to May 31 and between the hours of 11:00 p.m. and 7:00 a.m. from June 1 to September 30.
 - (3) An owner or keeper of a manual coin-operated car wash may apply to the Executive Director, or his or her designate, for an exemption from the provisions of Subsection F(2) of this section by completing such forms and supplying such information as may be required by the Executive Director or his or her designate.
 - (4) No owner or keeper of a manual coin-operated car wash shall be granted an exemption from the provisions of Subsection F(2) of this section unless such owner or keeper:
 - (a) Provides adequate lighting at the facility to maintain a minimum level of illumination of 10 lux (0.9 foot-candle) measured at the floor or surface level of the facility, which lighting shall be shielded to shine away from any residential properties in the vicinity of the facility;
 - (b) Operates and maintains the facility in compliance with any and all terms and conditions of any applicable site plan agreement;
 - (c) Operates and maintains the facility in compliance with this chapter and any other applicable law, including any applicable order or decision of the Toronto Licensing Tribunal respecting the operation of the facility;
 - (d) Posts and displays in a conspicuous location at the facility properly illuminated signs approved by the Executive Director, or his or designate, which signs clearly:
 - [1] Prohibit the playing of loud music or making such other noise or sounds which may disturb persons residing in the vicinity of the facility;

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- [2] Display a twenty-four-hour phone number for the owner or keeper of the facility, or an employee thereof, by which persons residing in the vicinity of the facility may receive an immediate response to complaints in respect of the facility; and
 - [3] Display the telephone number of the Municipal Licensing and Standards Division and the business telephone number of the owner or keeper of the facility.
- (5) The Executive Director, or his or her designate, shall, upon receipt of an application for an exemption in accordance with Subsection F(3) of this section, consult with the member of City Council for the ward in which the facility is located, and make or cause to be made such investigations as may be necessary to determine whether the applicant is entitled to an exemption in accordance with Subsection F(4) of this section, and shall:
 - (a) If the investigation or any other information available to the Municipal Licensing and Standards Division discloses reasonable grounds to believe that the applicant may not be entitled to the exemption, forthwith cause notice of this fact to be sent by prepaid mail to the applicant at the address as shown on the application form; or
 - (b) Subject to the provisions of this chapter, grant the exemption.
- (6) A notice sent pursuant to Subsection F(5)(a) shall include:
 - (a) A statement that the applicant may request a hearing of the application by the Toronto Licensing Tribunal by delivering a written request for a hearing to the Municipal Licensing and Standards Division within 30 days of the date of the notice sent pursuant to Subsection F(5)(a); and
 - (b) A statement that if no request for a hearing is delivered by the applicant in accordance with Subsection F(6)(a) of this subsection, the application will not be granted.
- (7) When the Municipal Licensing and Standards Division receives a request for a hearing from an applicant for an exemption, the application shall be referred forthwith to the Toronto Licensing Tribunal for a hearing.
- (8) When the Municipal Licensing and Standards Division has reasonable grounds to believe that an owner or keeper of a manual coin-operated car wash who has been granted an exemption is no longer entitled to such exemption in accordance with Subsection F(4) of this section, the Municipal Licensing and Standards Division shall refer the matter for a hearing before the Toronto Licensing Tribunal for a determination of whether or not such exemption should be rescinded.
- (9) The Toronto Licensing Tribunal may, subject to Subsection F(4) of this section, exempt an owner from the provisions of Subsection F(2) of this section on such conditions that the Tribunal considers appropriate and as are authorized by law,

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including but not limited to a condition that the facility must be under constant supervision of an employee of the owner or keeper of the facility.

§ 545-271. Reserved.¹¹⁵

§ 545-272. Owners and operators of particular public garages.

- A. This section applies to owners and operators of particular public garages, of the following classes: **[Amended 2015-10-02 by By-law 973-2015]**

(1) Buildings or places used as motor vehicle repair shops.

- B. As used in this section, the following terms shall have the meanings indicated:

MOTOR VEHICLE OWNER - The owner of a motor vehicle requiring or apparently requiring repairs or other services, and includes:

- (1) Any person who, having possession or custody of a motor vehicle, delivers it to a public garage for repairs or other services in respect thereof; and
- (2) Any person lawfully entitled to authorize repairs or other services in respect of a motor vehicle.

REMUNERATION - Includes salary, wages or other compensation of any kind paid to any mechanic, employee or any other person who performs repairs or other services in respect of a motor vehicle, and notwithstanding the generality of the foregoing, includes payment by way of bonus, commission or any other consideration.

REPAIRS OR OTHER SERVICES - Includes the sale, provision, delivery, installation or incorporation of equipment, parts or other things to, into or in respect of, a motor vehicle.

- C. Posting of sign pertaining to calculation of charges; filing of schedule of charges.

- (1) Every person to whom this section relates shall post and keep posted in a prominent location in or at his or her premises a sign or signs sufficient to give notice to every motor vehicle owner who requires repairs or other services in respect of a motor vehicle, as to the manner in which charges for repairs or other services are calculated, including disclosure of the methods of calculation of remuneration paid to his or her employees or anyone else providing repairs or other services in respect of a motor vehicle.
- (2) Every person to whom this section relates shall file with the Municipal Licensing and Standards Division a schedule of charges, including disclosure of the manner in which such charges are calculated, to be paid by any member of the public for repairs or other services in respect of a motor vehicle.

¹¹⁵ Editor's Note: By-law 1131-2015, enacted November 4, 2015 deleted § 545-271. Owners and operators of public garages used as service stations.

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- (3) The schedule of charges referred to in Subsection C(2) shall indicate the cost and method of calculation, if any, of providing a written estimate.
- D. Every person to whom this section relates shall, upon the request of the owner, provide such person with a copy of the applicable schedule of charges filed with the Municipal Licensing and Standards Division as required by this section.
- E. Notification of changes in schedule of charges.
- (1) A schedule of charges filed with the Municipal Licensing and Standards Division by a person to whom this section relates may not be altered or amended by increasing a charge or charges in the schedule unless 15 days' written notice of his or her intention to change such schedule, together with a copy of the amendment, is given to the Municipal Licensing and Standards Division.
- (2) Where a person to whom this section relates intends to reduce a charge or charges in the schedule of charges for a period in excess of 60 days, the schedule of charges may not be altered or amended unless 15 days' written notice of his or her intention to change such schedule, together with a copy of the amendment, is filed with the Municipal Licensing and Standards Division.
- F. No person to whom this section relates shall demand, request or accept payment for repairs or other services in respect of a motor vehicle other than in accordance with the applicable schedule of charges filed with the Municipal Licensing and Standards Division.
- G. Estimates.
- (1) Subject to Subsection G(2), a person to whom this section relates shall provide to the motor vehicle owner a written estimate, prepared in accordance with Subsection G(3), setting out the cost of all repairs or other services and any other charges in respect of his or her motor vehicle, prior to carrying out or permitting the carrying out of any repairs or other services.
- (2) A motor vehicle owner may waive the right conferred upon him or her by Subsection G(1) as follows:
- (a) By waiver written and signed by him or her; or
- (b) By signing a waiver clearly set forth in bold type or underlined.
- (3) The estimate shall include:
- (a) The name and address of the owner of the motor vehicle registered as such with the Ontario Ministry of Transportation, and of the person to whom this section relates;
- (b) The make, model and vehicle identification number of the motor vehicle;
- (c) The nature and total estimated cost of the repairs or other services to be performed in respect of the motor vehicle;

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- (d) A general description of any equipment, parts, or other things to be installed or otherwise provided; and
 - (e) The date of making the estimate.
- H. No person to whom this section relates shall demand, request or accept payment for making an estimate unless he or she advises the owner in writing of the cost or method of calculation of the cost thereof prior to preparing it.
- I. Subject to Subsection J, no person to whom this section relates shall demand, request or accept payment for any repairs or other services performed in respect of a motor vehicle that exceeds the amount authorized in the written estimate signed by the owner.
- J. Performing services contrary to written estimate; authorization required.
 - (1) No person to whom this section relates shall carry out or permit the carrying out of any repairs or other services in respect of a motor vehicle other than as set out in the written estimate.
 - (2) No person to whom this section relates shall make additions or modifications to the written estimate unless he or she has obtained the express written or oral authorization from the motor vehicle owner.
 - (3) Where an oral authorization is obtained, as referred to in Subsection J(2), it must be so indicated on the written estimate, and shall contain the date, the telephone number dialled, the time authorization was obtained and the name of the person providing the authorization.
- K. Every person to whom this section relates shall, before demanding payment for repairs or other services performed in respect of any motor vehicle, present to the motor vehicle owner an itemized bill therefor setting out the following:
 - (1) The name and address of the owner of the motor vehicle registered as such with the Ontario Ministry of Transportation;
 - (2) The make, model and vehicle identification number of the motor vehicle;
 - (3) The repairs or other services performed;
 - (4) A description of any equipment, parts, or other things installed or otherwise provided;
 - (5) The number of hours of labour billed, and the rate and the total cost of service charges; and
 - (6) The total amount to be charged with respect to all repairs and other services including the method of calculation of the said amount.
- L. Return of removed vehicle parts to owner.
 - (1) Subject to Subsection L(2), every person to whom this section relates shall keep all parts that have been removed from a motor vehicle for 48 hours after completion of all repairs or other services and shall deliver any such part or parts to the motor vehicle owner, if he or she so requests, within the said time except:

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- (a) Where the part has been exchanged for another part, re-tooled or reconditioned; or
 - (b) Where the replaced part is subject to a warranty contract under which the person to whom this section relates must return that part to the manufacturer or to the distributor.
- (2) A motor vehicle owner may waive the right conferred upon him or her by Subsection L(1):
 - (a) By waiver written and signed by him or her; or
 - (b) By signing a waiver clearly set forth in bold type or underlined.
- M. Every person to whom this section relates shall:
 - (1) Ensure that all stationery, forms, bills, invoices, and statements used by such person in the course of his or her business bear in clearly legible figures and letters the name and business address and Toronto licence number of such person; and
 - (2) Retain for a period of 60 days copies of all advertising matter used by him or her and shall produce the same to the Municipal Licensing and Standards Division forthwith upon a request therefor.
- N. No person to whom this section relates shall:
 - (1) Remove or cause to be removed any snow from the licensed premises to any highway, roadway or sidewalk upon which such premises abuts;
 - (2) Park or store, or cause to be parked or stored, any motor vehicle on any highway, roadway or sidewalk upon which the licensed premises abuts.

§ 545-273. Owners and operators of public garages used as collision reporting centres.

- A. Definitions. As used in this section, the following terms shall have the meanings indicated:
- COLLISION REPORTING CENTRE** - A facility at which motor vehicles which have been involved in motor vehicle accidents or collisions may be taken and stored for the purpose of reporting such motor vehicle accidents or collisions to police officers and representatives of insurance companies located at such facility.
- LIST OF ACCREDITED VEHICLE REPAIR FACILITIES** - A list kept by the Municipal Licensing and Standards Division under Subsection S of this section.
- MOTOR VEHICLE OWNER** - The owner of a motor vehicle which, as a result of an accident or collision, requires or apparently requires repairs or other services, or in the absence of such owner:
- (1) The agent of the owner of a motor vehicle, duly authorized by such owner to exercise control on the owner's behalf over such vehicle; or
 - (2) Any person having lawful custody of a motor vehicle or the legal right to possession thereof.

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OPERATOR - An operator of a collision reporting centre, who is licensed or is required to be licensed under this chapter.

OWNER - An owner of a collision reporting centre, who is licensed as such or is required to be licensed as such under this chapter.

- B. Every applicant for a licence to own or operate a public garage used as a collision reporting centre shall include in the application a statement setting forth:
- (1) The location and dimensions of the lands in respect to which such licence is sought (hereinafter referred to as the "licensed premises");
 - (2) The maximum number of motor vehicles proposed to be parked or stored at or upon the licensed premises at any one time;
 - (3) The location of each proposed entrance to and exit from the licensed premises;
 - (4) The location, size and type of construction of any office proposed to be used or erected at or upon the licensed premises; and
 - (5) The location and size of all areas of the licensed premises designated for the keeping or storing of motor vehicles.
- C. Adequate ventilation to be provided; environmental certificate of approval.
- (1) No public garage licence shall be issued in respect of a building for which no licence was issued in the previous year unless the applicant satisfies the Municipal Licensing and Standards Division that the Ministry of Labour for the Province of Ontario has approved the plans for providing adequate ventilation facilities in any part of the building where motor cars may be stored.
 - (2) No public garage licence shall be issued in respect of a building or place for which no licence was issued in the previous year, unless the applicant produces to the Municipal Licensing and Standards Division with his or her application the certificate of approval issued pursuant to the Environmental Protection Act, as amended, in respect of any plant, structure, equipment, apparatus, mechanism or thing to be used in the operation of such public garage, where the obtaining of such a certificate is required by that statute.
- D. No owner or operator shall permit the engine of a motor vehicle in any building to run unless adequate ventilation is provided to ensure dilution of any carbon monoxide fumes.
- E. Every owner or operator shall at all times permit the Municipal Licensing and Standards Division to enter the licensed premises and make such inspection as may be deemed necessary in order to ascertain whether or not the provisions of this chapter are being complied with.
- F. Every owner or operator shall at all times, either by himself or herself or through one or more employees, maintain constant and vigilant supervision of every motor vehicle parked or stored at or upon the licensed premises.

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- G. Every owner or operator shall keep the licensed premises in a clean and neat condition, and keep any sidewalk or street upon which such premises abuts free from any dirt or other foreign substance derived from such premises or resulting from the use thereof.
- H. No owner or operator shall perform or permit to be performed any repairs to motor vehicles at or upon the licensed premises, other than minor or running repairs essential to the actual operation of such motor vehicles.
- I. Every owner or operator shall ensure that all stationery, forms, bills, invoices, or statements used in the course of the business bear in clearly legible figures and letters the name and business address and Toronto licence number of such person.
- J. Every owner or operator shall, if he or she engages in driving, operating, or moving motor vehicles parked or stored at or upon the licensed premises, be the holder of a driver's licence under the Highway Traffic Act and shall not permit any employee to drive or operate such motor vehicles unless such employee is the holder of such a driver's licence.
- K. Every owner or operator shall keep and maintain a fully operational telephone in the public area of the licensed premises for use by, and readily accessible to, motor vehicle owners and other members of the public.
- L. Every owner or operator shall keep and maintain a fully operational photocopier in the public area of the licensed premises for use by, and readily accessible to, motor vehicle owners and other members of the public.
- M. Every owner or operator shall, at the time of receiving each motor vehicle at or upon the licensed premises, give or cause to be given to the motor vehicle owner:
 - (1) A clear statement of the extent of the responsibility accepted by the licensee in respect to loss of, or damage to, such motor vehicle and the contents thereof while parked, stored or otherwise in the care and custody of the licensee or any of his or her employees;
 - (2) The licensee's name and the address of the licensed premises;
 - (3) A clear statement describing the rates which may be charged by owners and drivers of tow trucks under §§ 545-100, 545-101, 545-102, 545-103 and 545-104 of Article VI of this chapter, as amended;
 - (4) A clear statement that the motor vehicle owner is entitled to choose the body shop or vehicle repair facility to which the motor vehicle is to be taken after it leaves the licensed premises;
 - (5) A copy of the list of accredited vehicle repair facilities established pursuant to Subsection S of this section; and
 - (6) The telephone number of the Municipal Licensing and Standards Division for complaints or compliments regarding the licensed premises, tow truck owners and drivers and owners and operators of vehicle repair facilities.
- N. Recommendations for vehicle repair facilities.

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- (1) No owner or operator, or employee of such owner or operator, shall recommend a body shop or vehicle repair facility to any motor vehicle owner.
 - (2) No owner or operator, or employee of such owner or operator, shall permit any other person in any part of the licensed premises to recommend a body shop or vehicle repair facility to any motor vehicle owner.
- O. Posting of signs regarding prohibition on recommending vehicle repair facilities.
- (1) Every owner and operator shall display and maintain at least three signs in conspicuous places at the licensed premises stating the following: "It is expressly forbidden for any employee or official of Collision Reporting Centre or a representative of an insurance company on the premises to recommend a body shop or automotive repair facility."
 - (2) The signs referred to in Subsection O(1) of this section shall be made of durable material capable of withstanding outdoor climatic conditions, and the letters thereon shall be at least three inches (7.62 centimetres) high with a stroke of at least half an inch (1.27 centimetres) wide. The letters on the signs shall be of a contrasting colour to the background of such letters.
- P. Where a motor vehicle is towed to a licensed premises, every owner or operator shall ensure that the tow truck owner or driver who towed such motor vehicle leaves the motor vehicle in a designated area of the licensed premises and exits the licensed premises immediately after having been paid by the owner or operator of the licensed premises.
- Q. Schedule of rates.
- (1) Every owner or operator shall file with the Municipal Licensing and Standards Division a schedule of rates to be paid by any person for services provided in the licensed premises in respect of a motor vehicle which has been driven to the licensed premises.
 - (2) Every owner or operator shall, upon the request of the motor vehicle owner, provide such person with a copy of the applicable schedule of rates filed with the Municipal Licensing and Standards Division, as required by this section.
 - (3) A schedule of rates filed under Subsection Q(1) of this section may not be altered or amended unless 15 days' written notice of this intention to change such schedule is filed with the Municipal Licensing and Standards Division, together with a copy of the amended or altered schedule.
 - (4) Where a motor vehicle is towed to a licensed premises, no owner or operator shall charge or request a fee exceeding \$10 more than the fee or fees contained in the schedule of rates filed under this section for the services provided by such owner or operator.
 - (5) No owner or operator shall demand, request or accept payment for any services in respect of a motor vehicle other than in accordance with this section.
- R. Supervision of towing to vehicle repair facility.

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- (1) Subject to the express written authorization of a motor vehicle owner given under Subsection R(2) of this section, where a motor vehicle is to be towed from a licensed premises to a body shop or vehicle repair facility, the towing of the motor vehicle shall be by, or under the direction of, such body shop or vehicle repair facility.
 - (2) Despite Subsection R(1) of this section, a motor vehicle owner may authorize or direct that the motor vehicle be towed other than in accordance with Subsection R(1) where such authorization or direction is provided to the owner or driver of the tow truck in a form approved by the Executive Director.
- S. List of accredited vehicle repair facilities.
- (1) The Municipal Licensing and Standards Division shall keep a list of accredited vehicle repair facilities containing the names of body shops and vehicle repair facilities, and such list shall be made available to the public.
 - (2) Every person applying to be placed on the list of accredited vehicle facilities shall complete the application forms supplied by the Municipal Licensing and Standards Division.
 - (3) No body shop or vehicle repair facility shall be placed on the list of accredited vehicle repair facilities unless such body shop or vehicle repair facility operates in accordance with the standards and specifications contained in Appendix E at the end of this chapter.
 - (4) Despite Subsection S(3), no body shop or vehicle repair facility located in the City of Toronto shall be placed on the list of accredited vehicle repair facilities unless such body shop or vehicle repair facility is licensed under this chapter for the carrying on of such business.
- T. Investigation of applicants for list of accredited vehicle repair facilities; notice of refusal; hearing.
- (1) Upon receipt of an application under Subsection S(2), the Municipal Licensing and Standards Division shall make, or cause to be made, such investigations as are necessary to determine whether or not the applicant is entitled to be placed on the list of accredited vehicle repair facilities in accordance with Subsection S.
 - (2) If the investigation discloses reasonable grounds to believe that the applicant is not entitled to be placed on the list of accredited vehicle repair facilities, the application shall be refused, and the Municipal Licensing and Standards Division shall forthwith send notice of this refusal to the applicant by prepaid mail at the address shown on the application form.
 - (3) A notice sent pursuant to Subsection T(2) of this section shall include a statement that the applicant may request a hearing of the application by the Toronto Licensing Tribunal by delivering a written request for a hearing to the Municipal Licensing and Standards Division.

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ARTICLE XXIII
Salvage Yards; Second-Hand Goods

§ 545-274. Applicability of article.

This article relates to the owners or keepers of salvage shops or salvage yards; owners or keepers of shops, stores or other places for the purchase, sale or exchange of second-hand goods; persons other than those beforementioned who engage in the business of purchasing, selling, exchanging or otherwise dealing in second-hand goods in or from a yard, shop, store or other premises; and persons who go from house to house or along any street whether public or private for the purpose of collecting, purchasing or obtaining second-hand goods.

§ 545-275. Patriotic and charitable purposes exempt.

Notwithstanding any other provision in this chapter, no licence shall be required by persons engaged in any of the trades, businesses or occupations to which this article relates for patriotic or charitable purposes or in the purchase, sale or exchange of articles commonly known and recognized as valuable antiques and works of art, either in their original condition or as renovated, remodelled, repaired or remanufactured.

§ 545-276. Licence to authorize class or classes of goods.

Any licence issued under this chapter may be issued to authorize the licensee to deal in one class only of second-hand goods or in more than one class as may be specified in the licence, and such licensee shall not be entitled to deal in any class of second-hand goods not covered by his or her licence.

§ 545-277. Licence plate to be fixed to vehicle.

Every person taking out a collector's licence under this chapter shall, at the time of the issue of his or her licence, be furnished by the Municipal Licensing and Standards Division with a metallic plate bearing a number which shall be securely affixed to his or her wagon, cart or other vehicle used in carrying on his or her business.

§ 545-278. Maintenance of stores.

Every store, shop, yard or other place, the owner or keeper of which is licensed under this chapter, shall be kept clean, in a neat condition, and in good repair.

§ 545-279. Certificate required from Medical Officer of Health for previously unlicensed stores.

Every application for a licence to carry on any of the businesses mentioned in this chapter in a yard, shop, store, warehouse or other similar place, the owner or keeper of which had not been licensed in respect thereto during any portion of the previous 12 months, must be accompanied by a certificate from the Medical Officer of Health, to the effect that the said business is unobjectionable on sanitary grounds.

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§ 545-280. Separate licence required for each store.

Every person requiring a licence under the provisions of this chapter shall obtain a separate licence in respect of each and every shop, store or other place used for the transaction of business or for taking in or storing second-hand goods.

§ 545-281. Licence to be displayed; exception for bicycle shops.

Every owner or keeper of a salvage shop, salvage yard or of a shop, store or other place for the purchase, sale or exchange of second-hand goods, except those dealing in bicycles only, shall, during the whole period in which the licence is in force, exhibit over the street door or in the front window of the premises in respect to which a licence is issued, or in some other conspicuous place on the front thereof satisfactory to the Municipal Licensing and Standards Division in large plain letters in the English language, the words "Licensed Second-hand Shop" or "Licensed Salvage Shop" or "Licensed Salvage Yard" as the case may be, and shall also keep the licence constantly exposed in a conspicuous place in the interior of the licensed premises.

§ 545-282. Business transactions with minors and those under the influence of liquor; hours and days of operation.

No person to whom this article relates shall purchase, take in exchange, or receive any goods, article or thing from any person who appears to be under the age of 18 years, or from any person under the influence of liquor, or transact any business whatsoever by virtue of the said licence upon a statutory or other holiday, or on any other day between the hours of 11:00 in the afternoon and 7:00 in the forenoon of the following business day, except on Saturdays and any day preceding a statutory or other public holiday, when the hour for closing may be extended until 12:00 midnight.

§ 545-283. Collection of goods during night-time hours.

Notwithstanding any other provision of this chapter, no person having a collector's licence shall, between the hours of sunset on any day and the hour of sunrise on the next following day, pass from house to house or along any private street or lane or public highway in the City of Toronto for the purpose of collecting, purchasing or obtaining second-hand goods.

§ 545-284. Time period for retention of goods.

- A. Subject to Subsection B hereof, no person to whom this article relates shall alter, repair, dispose of, or in any way part with any goods or articles purchased or taken in exchange until after the expiration of 15 clear days, exclusive of Sundays and holidays, from the date of purchase or such exchange, and during these 15 days the goods or articles so obtained shall remain on the premises in respect to which the licence is issued and be kept in a separate location from goods previously purchased, and shall be subject to inspection at any time during business hours by the Chief of Police or any police officer or the Municipal Licensing and Standards Division.
- B. Notwithstanding the provisions of Subsection A hereof:

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- (1) Scrap metal purchased or taken in exchange may be altered or disposed of after the expiration of five clear days, exclusive of Sundays and holidays, from the date the transcript referred to in § 545-287 of this article containing a record of the acquisition of the scrap metal has been delivered pursuant to § 545-287; and
- (2) Any police officer designated by the Chief of Police to investigate transactions involving the purchase or exchange of scrap metal, on completing his or her investigation, may authorize the release of such scrap metal for alteration or disposal prior to the expiration of the five clear days referred to in Subsection B(1).

§ 545-285. Register of goods received.

[Amended 2010-08-27 by By-law 1063-2010]

Every person to whom this article relates shall maintain a book known as the "Second-Hand Goods Register," into which shall be entered in the English language, written in ink in a plain, legible hand, a record of all goods received or taken in exchange or otherwise obtained, either at the licensee's place of business or elsewhere. Goods of every description redeemed on pawn tickets purchased or taken in exchange by licensed dealers shall be treated as purchased and shall be so entered. The entry must be made at the time the goods are received or immediately thereafter, and shall include:

- A. The date on which and the hour at which the goods are received;
- B. A full description of the article or articles including:
 - (1) The serial and model number, if any; and
 - (2) The manufacturer's name, if any; and
- C. In the case of bicycles, the name of the maker and the manufacturer's number therefor shall, in every case, be recorded, if known or ascertainable;
- D. The name, address, full particulars of identification and description of the person from whom the goods are received;
- E. If purchased, the price paid therefor; and
- F. In the case of goods delivered or conveyed by motor vehicle licensed by any province of Canada or any state of the United States of America, the provincial or state licence number of the motor vehicle delivering or conveying the goods.

§ 545-286. Inspection of second-hand goods register.

[Amended 2010-08-27 by By-law 1063-2010]

It shall be the duty of the person requiring a licence under the provisions of this chapter to ensure that the Second-Hand Goods Register is not mutilated or destroyed; to deliver, or cause to be delivered, to such place as the Executive Director or his or her designate requires not later than 9:00 in the morning of every weekday, a transcript of the information required to be entered in the Second-Hand Goods Register by § 545-285A, B, C, with relation to the goods received on

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the previous business day, accurately copied from the register on the blank forms supplied for that purpose; to permit the inspection of the Second-Hand Goods Register for law enforcement purposes by a police officer, or a municipal law enforcement officer employed by the Toronto Police Service at all times during business hours; to permit the inspection of the Second-Hand Goods Register for law enforcement purposes by other law enforcement personnel as may be authorized by the Executive Director, at all times during business hours; and to permit the removal of the Second-Hand Goods Register at any time for inspection for law enforcement purposes by police officers, or municipal law enforcement officers employed by the Toronto Police Service, or by other law enforcement personnel as may be authorized by the Executive Director, or for use in the courts, if necessary. The person licensed shall not be held liable for neglecting to enter goods received while the Second-Hand Goods Register is so absent from his or her premises.

§ 545-287. Notice of collection required.

[Amended 2010-08-27 by By-law 1063-2010]

Every person to whom this article relates shall post, in a location and in a manner approved by the Executive Director, a sign approved by the Executive Director, stating that the name, address, full particulars of identification and description of the person from whom the goods are received are being recorded for the purposes of disclosure, upon request, to the Toronto Police Service and other law enforcement personnel as may be authorized by the Executive Director for use in relation to law enforcement purposes, the legal authority for the collection of this information, as well as the title, business address and business telephone number of an employee of the City authorized by the Executive Director to answer questions about the collection.

§ 545-288. Suspicions concerning attempts to sell stolen goods to be reported.

[Amended 2010-08-27 by By-law 1063-2010]

Every person to whom this article relates, or any person acting as a servant or agent of any such person, shall upon any person offering to him or her goods or articles of any kind, which he or she has cause to suspect have been stolen or otherwise unlawfully obtained, report the facts known to him or her, including, but not limited to, the removal or defacement or apparent tampering with the serial numbers or model numbers, if any, on such goods or articles to the nearest police station or police officer.

§ 545-289. Exemptions.

- A. Subject to Subsection B of this section, §§ 545-277, 545-279, 545-281, 545-282, 545-283, 545-284, 545-285, 545-286 and 545-287 of this article shall not apply to a person whose primary business is in the sale of new goods or merchandise and who purchases, sells, exchanges or deals in second-hand goods only to the extent of purchasing traded-in articles, the value of which is applied against the purchase price of new goods and who subsequently resells such traded-in articles.
- B. The provisions of §§ 545-284, 545-285, 545-286, 545-287 and 545-288 of this article shall apply, without limiting the generality of application thereof, to all persons to whom this

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article relates who purchase, sell or deal in any way in second-hand business machines including typewriters, adding machines, cash registers, comptometers and dictating and transcribing machines, or in second-hand firearms including air pistols, automatic pistols, starting pistols, revolvers, rifles, shotguns and sub-machine guns, or in second-hand still cameras, movie cameras, slide projectors, movie projectors, or portable television sets, or second-hand bicycles.

ARTICLE XXIV

Dealers in Old Gold and Other Precious Metals and Jewellery

§ 545-290. Applicability of article.

This article relates to persons who for hire or gain deal in old gold or other precious metals and in old jewellery or other articles for the purpose of smelting the same and recovering the gold therefrom.

§ 545-291. Business transactions with minors and those under the influence of liquor; hours and days of operation.

No person to whom this article relates shall purchase, take in exchange, or receive any old gold or other precious metals or old jewellery or other articles for the purpose of smelting the same and recovering the gold therefrom from any person who appears to be under the age of 18 years, or from any person under the influence of liquor; nor shall he or she transact any business whatsoever by virtue of said licence upon a statutory or other holiday nor on any other day between the hours of 11:00 in the afternoon and 7:00 in the forenoon of the following business day, except on Saturdays and any day preceding a statutory or other public holiday, when the hour for closing may be extended until 12:00 midnight.

§ 545-292. Time period for retention of goods.

No such person shall alter, repair, dispose of or in any way part with any old gold or other precious metals or old jewellery or other similar articles purchased or taken in exchange until after the expiration of 15 clear days, exclusive of Sundays and holidays, from the date of such purchase or exchange, and during these 15 days such old gold or other precious metals or old jewellery or other similar articles so obtained shall remain on the premises in respect to which the licence is issued and be kept in a separate location from any old gold or precious metals or old jewellery or other similar articles previously purchased, and shall be subject to inspection at any time during business hours by the Municipal Licensing and Standards Division.

§ 545-293. Register of goods received.

[Amended 2010-08-27 by By-law 1063-2010]

Every person who for hire or gain deals in old gold, other precious metals, in old jewellery or other articles for the purpose of smelting the same and recovering the gold therefrom shall maintain a book known as "The Old Gold or Old Jewellery Register," in which shall be entered in the English language written in ink in a plain, legible hand, a record of all old gold, other

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precious metals, old jewellery or other similar articles purchased or taken in exchange. The entry must be made at the time of purchase or exchange or immediately thereafter, and shall include:

- A. The date and hour of the purchase or exchange;
- B. A full description of the old gold or other precious metals or such article or articles;
- C. The price paid therefor;
- D. The name, address and description of the person from whom the purchase or exchange was made; and
- E. In the case of the old gold or other precious metals or such article or articles delivered or conveyed by motor vehicle licensed by any province of Canada or any state of the United States of America, the provincial or state licence number of the motor vehicle delivering or conveying the goods.

§ 545-293.1. Inspection of the Old Gold or Old Jewellery Register.

[Added 2010-08-27 by By-law 1063-2010]

It shall be the duty of the person requiring a licence under the provisions of this chapter to ensure that the Old Gold or Old Jewellery Register is not mutilated or destroyed, to deliver, or cause to be delivered, to such place as the Executive Director or his or her designate requires not later than 9:00 in the morning of every weekday, a transcript of the information required to be entered in the register by § 545-293A, B, C, in relation to the goods received on the previous business day, accurately copied from the register on the blank forms supplied for that purpose; to permit the inspection of the Old Gold or Old Jewellery Register for law enforcement purposes by a police officer, or a municipal law enforcement officer employed by the Toronto Police Service at all times during business hours; to permit the inspection of the Old Gold or Old Jewellery Register for law enforcement purposes by other law enforcement personnel as may be authorized by the Executive Director, at all times during business hours; and to permit the removal of the Old Gold or Old Jewellery Register at any time for inspection for law enforcement purposes by police officers, or municipal law enforcement officers employed by the Toronto Police Service, or by other law enforcement personnel as may be authorized by the Executive Director, or for use in the courts, if necessary. The person licensed shall not be held liable for neglecting to enter goods received while the Old Gold or Old Jewellery Register is so absent from his or her premises.

§ 545-293.2. Notice of collection required.

[Added 2010-08-27 by By-law 1063-2010]

Every person to whom this article relates shall post, in a location and in a manner approved by the Executive Director, a sign approved by the Executive Director, stating that the name, address, full particulars of identification and description of the person from whom the goods are received are being recorded for the purposes of disclosure, upon request, to the Toronto Police Service and other law enforcement personnel as may be authorized by the Executive Director for use in relation to law enforcement purposes, the legal authority for the collection of this information, as

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well as the title, business address and business telephone number of an employee of the City authorized by the Executive Director to answer questions about the collection.

§ 545-293.3. Suspicions concerning attempts to sell stolen goods to be reported.

[Added 2010-08-27 by By-law 1063-2010]

Every person to whom this article relates, or any person acting as a servant or agent of any such person, shall upon any person offering to him or her goods or articles of any kind, which he or she has cause to suspect have been stolen or otherwise unlawfully obtained, report the facts known to him or her to the nearest police station or police officer.

ARTICLE XXV
Pawnbrokers

§ 545-294. Security to be provided prior to issuance of licence.

Every pawnbroker shall, before receiving his or her licence, give to the Municipal Licensing and Standards Division security to the satisfaction of the Treasurer of the City of Toronto in the sum of \$2,000 for the due observance of the provisions of the Pawnbrokers' Act, as amended.

ARTICLE XXVI

§§ 545-295 to 545-300. (Reserved)¹¹⁶

ARTICLE XXVII

§§ 545-301 to 545-303. (Reserved)¹¹⁷

ARTICLE XXVIII

§§ 545-304 to 545-312. (Reserved)¹¹⁸

ARTICLE XXIX

§§ 545-313 to 545-314. (Reserved)¹¹⁹

¹¹⁶ Editor's Note: Art. XXVI, Swimming pools and public bath premises operated for profit, was deleted October 2, 2015 by By-law 973-2015.

¹¹⁷ Editor's Note: Art. XXVII, Owners and keepers of trailer camps, was deleted October 2, 2015 by By-law 973-2015.

¹¹⁸ Editor's Note: Art. XXVIII, Special Sales, was deleted October 2, 2015 by By-law 973-2015.

¹¹⁹ Editor's Note: Article XXIX, Distribution of Bills, was deleted October 2, 2015 by By-law 973-2015.

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ARTICLE XXX
Building Cleaners

§ 545-315. Definitions.

As used in this article, the following terms shall have the meanings indicated:

BUILDING CLEANER EMPLOYEE - Every building cleaner who is employed by a building cleaning contractor.

BUILDING CLEANING CONTRACTOR - Every building cleaner who carries on business as a sandblaster or as a person who for gain uses chemicals or pressurized air, water, steam, sand or other abrasives to clean or restore the exteriors of buildings or other structures.

DESIGNATED BUILDING - Any building or structure designated by or under the provisions of the Ontario Heritage Act or by a municipal by-law passed pursuant thereto, and any building or structure situated on property so designated.

§ 545-316. Applicant to provide mailing address.

In addition to furnishing any information required under this chapter, every applicant for a building cleaning contractor's licence shall, in his or her application, truly and accurately set out his or her mailing address of his or her proposed business premises, and every holder of such a licence shall notify the Municipal Licensing and Standards Division in writing within 48 hours of any change of his or her business address.

§ 545-317. Licence number to be displayed on vehicle and in advertisements.

A. Every building cleaning contractor shall ensure that:

- (1) All vehicles used by him or her in the course of business bear on both sides of each such vehicle in letters and figures not less than 10 centimetres in height and clearly legible at a distance of six metres the words "Toronto Licence No. _____" followed by the number of the licence issued by the Municipal Licensing and Standards Division to such contractor; and
- (2) All stationery, forms, bills, invoices, statements and any other printed or written advertising material, including any published advertisements in a newspaper, periodical, directory or other publication used by building cleaning contractors in the course of such business, bear in clearly legible letters and figures the same inscription.

B. For purposes of this section, any reference to the number of a licence shall mean the trade number that is issued to a licensee by the Municipal Licensing and Standards Division to identify the particular trade or type of business that is licensed.

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§ 545-318. Use of trade names.

- A. A person licensed as a building cleaning contractor may carry on business under a trade name or name other than his or her own but shall not carry on business under more than one name, and only one licence shall be issued.
- B. Every building cleaning contractor shall, when he or she applies for a licence, notify the Municipal Licensing and Standards Division in writing of any trade or other name to be used by him or her in carrying on his or her business, and shall not use any other name until he or she has first notified the Municipal Licensing and Standards Division in writing of his or her intention to use such name.

§ 545-319. Building cleaning contractors and employees to be licensed.

- A. No building cleaning contractor shall employ any person other than a licensed building cleaner employee to sandblast or use chemical or pressurized air, water, steam, sand or other abrasive to clean or restore the exterior of any building or structure.
- B. No building cleaner employee shall sandblast or use chemicals or pressurized air, water, steam, sand or other abrasive to clean or restore the exterior of any building or structure unless he or she is employed by a licensed building cleaning contractor.

§ 545-320. Written contract required.

Every building cleaning contractor shall, before commencing to clean any building or structure, enter into a written contract with the person for whom the work is to be performed, setting out the particulars of such work and signed by such contractor and by such person.

§ 545-321. Cleaning designated buildings.

- A. Every building cleaning contractor shall, before commencing to clean any building or structure, ascertain whether or not such building or structure is a designated building.
- B. No building cleaning contractor shall commence to clean, disturb or alter any designated building until he or she has first provided to the Clerk of the City of Toronto a notice in writing setting out the municipal address of such building, and particulars of the work which he or she intends to carry out to the said building, the process which he or she intends to employ, the materials which he or she intends to use in performing such work, and the date upon which he or she intends to commence such work.
- C. No building cleaning contractor shall commence to clean, disturb or alter any designated building until the expiration of 14 days after the giving of the written notice required by Subsection B.
- D. No building cleaning contractor shall commence to clean, disturb or alter any building until he or she has first obtained any permit or consent required by law to authorize such work to be performed.

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§ 545-322. Compliance by contractor required prior to commencement of cleaning.

No building cleaner employee shall commence to clean, disturb or alter any building unless the building cleaning contractor by whom he or she is employed has complied with the provisions of this article.

§ 545-323. Identification sign to be posted on building site.

Every building cleaning contractor shall, before commencing to clean any building or structure, post in a conspicuous place on the site of such building or structure and in view to and readable by any person approaching or walking by the said building or structure a sign bearing in letters and figures not less than 10 centimetres in height and clearly legible at a distance of six metres his or her name, address and the number of the licence issued to him or her by the Municipal Licensing and Standards Division.

§ 545-324. Facilities for control and removal of dust and other waste.

Every building cleaning contractor shall provide adequate facilities for the control, removal and disposal of all dust, contaminant, chemicals and waste materials emanating from or resulting from work performed by him or her or under his or her direction on any building or structure.

§ 545-325. Air pollution regulations.

Upon the issuance of a licence to a building cleaning contractor or a building cleaner employee, the Municipal Licensing and Standards Division shall provide to him or her a copy of the Regulations to the *Environmental Protection Act* relating to air pollution.

§ 545-326. Insurance requirements.

- A. Every building cleaning contractor shall, before the issuance of a licence to him or her, procure a policy of insurance insuring him or her against liability imposed upon him or her by law for loss or damage resulting from the carrying on of the business to which such licence relates, insuring in respect of any one incident to the limit of at least \$1,000,000, exclusive of interest and costs, against liability from bodily injury to or the death of one or more persons and loss of or damage to property.
- B. The policy required by Subsection A shall be endorsed to the effect that the Municipal Licensing and Standards Division shall be given at least 10 days' notice in writing of any cancellation, expiration or variation.
- C. A certified copy of the policy required by Subsection A, or a certificate issued in respect thereof, shall be deposited with the Municipal Licensing and Standards Division before the issuance of the licence.

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ARTICLE XXXI
Body-Rub Parlours

§ 545-327. Definitions.

As used in this article, the following terms shall have the meanings indicated:

BODY-RUBBER — Includes a person licensed or required to be licensed under § 545-2A(8) of this chapter.

OWNER and OPERATOR — Respectively, an owner or operator of a body-rub parlour, licensed as such or required to be licensed as such under § 545-2A(7) of this chapter.

§ 545-328. Application requirements.

- A. On every application for an owner's, operator's or body-rubber's licence or for the renewal thereof, the applicant shall attend in person and not by an agent at the offices of the Municipal Licensing and Standards Division and shall complete the prescribed forms and shall furnish to the Municipal Licensing and Standards Division such information as the Municipal Licensing and Standards Division may direct.
- B. In the case of a body-rub parlour owned or operated by a partnership, the attendance required under Subsection A of this section shall be by one of the partners, and in the case of a body-rub parlour owned or operated by a corporation, such attendance shall be by an officer of the corporation.
- C. Every applicant for a body-rubber's licence shall submit with the application two passport-size photographs, one of which photographs shall be attached to the licence, and the other which shall be filed with the Municipal Licensing and Standards Division, and upon application for renewal of any licence, the applicant shall furnish new photographs if required so to do by the Municipal Licensing and Standards Division.
- D. Every applicant for an owner's licence shall, at the time of making the application, file with the Municipal Licensing and Standards Division a list showing the names of all operators and body-rubbers employed by or performing services in the body-rub parlour and all such persons intended or expected to be employed or to perform services in the body-rub parlour.
- E. On every application for an owner's licence by an individual or by a corporation, the applicant shall state:
 - (1) If the applicant is an individual, his or her date of birth;
 - (2) If the applicant is a corporation, the date of birth of every shareholder or other person having a beneficial interest of any kind in the shares of the corporation applicant or in any of the corporations referred to in § 545-329 of this article.
- F. Every applicant referred to in Subsection E of this section, and every shareholder, partner or other person referred to in this section or in § 545-329, 545-330 or 545-331 of this article shall file with or produce to the Municipal Licensing and Standards Division proof of his or her age, if required to do so by the Municipal Licensing and Standards Division,

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and no such licence shall be issued unless the Municipal Licensing and Standards Division is satisfied that every such person is of the full age of 18 years.

§ 545-329. Application for licence by corporations.

- A. Every corporation applying for an owner's licence shall file with the Municipal Licensing and Standards Division at the time of its application a copy of its letters of incorporation or other incorporating document, duly certified by the proper government official or department, together with an annual return in a form supplied by the Municipal Licensing and Standards Division, which annual return shall contain a list of all of the shareholders of the corporation.
- B. Where the shares in a corporation applying for an owner's licence are held in whole or in part by another corporation, the corporation so applying shall file with the Municipal Licensing and Standards Division an annual return in a form supplied by the Municipal Licensing and Standards Division, which annual return shall contain a list of all of its shareholders, and if such annual return discloses that the shares in such other corporation are in turn held in whole or in part by a third corporation, then the said applicant shall also file such an annual return in respect of such third corporation listing its shareholders, and so on until the names of all living persons are shown and identified as the shareholders of any and all corporations having an interest, direct or indirect, in the shares of the applicant corporation.
- C. All annual returns required by Subsection B of this section shall be filed with the Municipal Licensing and Standards Division at the same time as the filing of the application for the licence.
- D. Every owner which is a corporation shall, in every year, on or before the time at which it applies for the renewal of its licence, file with the Municipal Licensing and Standards Division an annual return on a form supplied by the Municipal Licensing and Standards Division.
- E. Where a corporation is the holder of an owner's licence or licences, the corporation shall forthwith notify the Municipal Licensing and Standards Division in writing of all transfers of existing shares and of the issue of any existing or new shares of the capital stock of the corporation, and of any such transaction involving the shares of any corporation referred to in Subsection B.
- F. Where, as a result of the transfer of existing shares or by the issue of new shares of a limited company, the Municipal Licensing and Standards Division has reasonable grounds to believe that the limited company may not be entitled to the continuation of its licence in accordance with this chapter, the Toronto Licensing Tribunal may determine whether the licence or licences shall be revoked or have conditions placed on it.
- G. Where, by a transfer of existing shares, or by an issue of new shares, the controlling interest in a corporation holding one or more owner's licences is sold, transferred or acquired, such licence or licences shall be terminated forthwith, and the Municipal Licensing and Standards Division may issue a new licence or new licences upon payment

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of the prescribed fee. The Toronto Licensing Tribunal may refuse to issue a new licence or licences if it determines that it is in the public interest so to do.

- H. Where the shares of a corporate owner are held in whole or in part by another corporation, such owner shall file with the Municipal Licensing and Standards Division at the same time as the owner an annual return as provided in Subsection D of this section and if the shares in such other corporation are in turn held in whole or in part by a third corporation, then such owner shall likewise file such an annual return in respect of such third corporation and so on until the names of all living persons are shown and identified as the shareholders of any and all corporations having an interest, direct or indirect, in the corporate owner.
- I. For the purpose of this section, "shareholder" and any words referring to the holding of shares includes all persons having a beneficial interest of any kind in the shares of the corporation.

§ 545-330. Application for licence by partnerships.

- A. Persons associated in a partnership applying for an owner's or operator's licence shall file with its application to the Municipal Licensing and Standards Division a declaration in writing signed by all the members of the partnership, which declaration shall state:
 - (1) The full name of every partner and the address of his or her ordinary residence;
 - (2) The name or names under which they carry on or intend to carry on business;
 - (3) That the persons therein named are the only members of the partnership; and
 - (4) The mailing address for the partnership.
- B. If any member of a partnership applying for an owner's licence is a corporation, such corporation shall, for the purposes of § 545-329 of this article, be deemed to be a corporation applying for an owner's licence, and if such licence is issued to the partnership, such corporation shall, for the purposes of the said section, be deemed to be a corporation which holds an owner's licence.
- C. It shall be the duty of every member of a partnership to advise the Municipal Licensing and Standards Division immediately in writing of any change in the membership of the partnership and of any other change in any of the particulars relating to the partnership or its business which are required to be filed with the Municipal Licensing and Standards Division, and the Toronto Licensing Tribunal may, in its discretion, determine whether the licence or licences shall be revoked or terminated and whether or not a new licence should issue to the partnership as presently constituted.

§ 545-331. Declaration to be filed when name of business indicates plurality of members.

- A. Every person applying for an owner's, operator's or body-rubber's licence who carries on or intends to carry on his or her business in or relating to a body-rub parlour under a name or designation other than his or her own name or under his or her own name with the addition of the expression "and company" or some other expression indicating a plurality of

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members in the firm shall, at the time of the making of his or her application, file with the Municipal Licensing and Standards Division a declaration, which declaration shall state:

- (1) His or her full name and the address of his or her ordinary residence;
 - (2) Any name or designation under which he or she carries on or intends to carry on business, and the date when the name or designation was first used by him or her;
 - (3) That no other person is associated with him or her in partnership;
 - (4) The date of his or her birth; and
 - (5) The mailing address for his or her business.
- B. A person to whom this section relates shall notify the Municipal Licensing and Standards Division immediately of any change in any of the particulars required to be filed with the Municipal Licensing and Standards Division under Subsection A of this section.

§ 545-332. Legal name to be used in application; use of other name or designation.

- A. Every owner, operator or body-rubber applying for a licence must use his or her own legal name in making such application, and subject to Subsection B of this section no such licence shall be issued to any person in any name other than his or her own legal name.
- B. Every owner, operator or body-rubber intending to use some name or designation other than his or her own may, at the time of the issue of his or her licence, or at the time at which he or she files with the Municipal Licensing and Standards Division notice of intention to use such name or designation, have endorsed on his or her licence such name or designation.
- C. No owner, operator or body-rubber shall carry on business under any name or designation other than his or her own unless he or she has filed with the Municipal Licensing and Standards Division a notice of his or her intention to use such name or designation, and no person shall use any name or designation in respect of a body-rub parlour or of any trade, business or occupation carried on therein without first notifying the Municipal Licensing and Standards Division of such name or designation intended to be used and having such name endorsed upon his or her licence in accordance with Subsection B of this section.

§ 545-333. Medical examination of body-rubbers.

- A. Every person applying for a body-rubber's licence, and every person applying for an owner's or operator's licence who intends to perform or solicit body-rubs or who actually does perform or solicit body-rubs, shall deliver or have delivered to the Medical Officer of Health, prior to his or her licence being issued or renewed, a certificate on a form supplied by the Municipal Licensing and Standards Division, signed by a duly qualified medical practitioner certifying that such person is free from communicable diseases and is medically fit to perform or receive body-rubs, provided that, subject to Subsection C hereof, no such certificate shall be required by the Municipal Licensing and Standards Division pursuant to this section more than once every three years.

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- B. The Medical Officer of Health may make a report, based on the certificate referred to in Subsection A, to the Municipal Licensing and Standards Division.
- C. Where there are reasonable grounds to believe that, by reason of illness, injury or any other physical or mental impairment, the conduct of any person who performs body-rubs in a body-rub parlour may not be in accordance with this chapter, or may endanger the health or safety of other persons, the Municipal Licensing and Standards Division and the Toronto Licensing Tribunal may require such person to be medically examined by a duly qualified medical practitioner, and such medical practitioner may make a report of such examination to the Municipal Licensing and Standards Division or the Toronto Licensing Tribunal, as the case may be.

§ 545-334. Review of application by governmental agencies.

Every application for an owner's or operator's licence shall be submitted by the Municipal Licensing and Standards Division for a report to the Medical Officer of Health and to the Chief of Police and may also be referred to any other government official or functionary for a report, and where any such report is negative or unfavourable to the applicant, he or she shall be furnished with a copy of such report and shall have the right to appear before the Toronto Licensing Tribunal for a hearing to determine whether or not the application should be granted, notwithstanding such report.

§ 545-335. Licensing requirements of owners and operators.

- A. No body-rub parlour may open for business or operate or be operated unless its owner is licensed as such under this chapter.
- B. Documentation concerning ownership of property.
 - (1) Every person applying for an owner's licence shall file with the Municipal Licensing and Standards Division documentation satisfactory to the Municipal Licensing and Standards Division demonstrating the applicant's right to possess or occupy the premises used by him or her as a body-rub parlour, and if such person is not the registered owner or owner in fee simple of the property upon which the body-rub parlour is located, such person shall file with the Municipal Licensing and Standards Division at the same time a copy of his or her lease, if any, and of any other document consisting or affecting the legal relationship between the said applicant and the said registered owner or owner in fee simple of the real property.
 - (2) For the purpose of this subsection, "registered owner" means the owner as registered pursuant to the *Land Titles Act* or the *Registry Act* as the case may be.
- C. A separate owner's licence shall be taken out in respect of each body-rub parlour.
- D. Where an owner does not personally operate his or her body-rub parlour, every person operating such body-rub parlour shall obtain a licence so to do, but nothing herein relieves such an owner from the requirement that he or she obtain a licence as owner of such body-rub parlour.

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- E. An owner or operator may, subject to the provisions of this chapter, if his or her licence as an owner or operator is so endorsed by the Municipal Licensing and Standards Division, perform body-rubs in the body-rub parlour of which he or she is the owner or operator.
- F. An owner who operates his or her own body-rub parlour shall notify the Municipal Licensing and Standards Division of this fact at the time he or she obtains his or her licence, and his or her licence may be endorsed accordingly upon payment of the appropriate licence fee, and he or she shall notify the Municipal Licensing and Standards Division and have the said endorsement amended before engaging any operator to operate his or her body-rub parlour.

§ 545-336. Regulations concerning owners and operators.

- A. No owner of a body-rub parlour or premises shall permit any person other than a licensed operator to operate such body-rub parlour.
- B. No owner or operator shall permit any body-rub to be performed, offered, or solicited in the pursuance of a trade, business or occupation, upon or at his or her body-rub parlour or pursuant to the operation by him or her of a body-rub parlour, by any person other than a licensed body-rubber or other person licensed or authorized by or under this chapter so to do.
- C. No owner shall permit any person, other than an employee of such owner or a person with whom the owner has contracted, to operate his or her body-rub parlour or to perform, offer or solicit body-rubs in his or her body-rub parlour in pursuance of a trade, business or occupation.
- D. No body-rubber or other person shall perform, offer or solicit body-rubs in any body-rub parlour unless the owner of the said body-rub parlour, and the operator, if any, of the said body-rub parlour is duly licensed as owner or operator respectively under this chapter.
- E. No operator not being the owner of a body-rub parlour shall operate the said parlour unless the owner of the said body-rub parlour is duly licensed as the owner under this chapter.
- F. No operator may operate a body-rub parlour unless he or she first notifies the Municipal Licensing and Standards Division of the name of the owner whose body-rub parlour he or she intends to operate and has endorsed upon his or her licence the said owner's name accordingly, and every operator before operating any other body-rub parlour shall notify the Municipal Licensing and Standards Division of his or her intention so to do and have his or her licence endorsed accordingly.

§ 545-337. Written contracts of service.

A copy of every written contract of service, contract for services or other document constituting or pertaining to the relationship between owner and operator of a body-rub parlour or between owner or operator and a body-rubber performing services in a body-rub parlour, shall be filed with the Municipal Licensing and Standards Division, and the original of any such document shall be made available for inspection at any time by the Municipal Licensing and Standards

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Division upon request, and shall be retained by the owner or operator for a period of six months after its termination.

§ 545-338. Regulations concerning body-rubbers.

- A. No body-rubber or operator shall be employed by or be under contract for services to more than one owner or in respect of more than one body-rub parlour, at the same time.
- B. Every owner who operates his or her own body-rub parlour and every operator shall, during the term of his or her employment of a body-rubber or of a body-rubber's service, retain such body-rubber's licence in his or her possession, and shall post up the said licence in a conspicuous place in the body-rub parlour and keep it so posted throughout the said term.
- C. Every owner or operator referred to in Subsection A who employs a body-rubber or the services of a body-rubber shall, within 48 hours thereafter, notify the Municipal Licensing and Standards Division in writing that he or she has so employed the said body-rubber or the services of the said body-rubber, and when such employment ceases it shall be the joint responsibility of the owner or operator and the body-rubber to notify the Municipal Licensing and Standards Division in writing to such effect within 48 hours of the said cessation.
- D. No body-rubber shall perform any body-rubs or other services in a body-rub parlour unless his or her licence is posted up in compliance with Subsection B hereof and unless he or she has notified the Municipal Licensing and Standards Division that he or she is performing services in such body-rub parlour.
- E. Every owner and operator of a body-rub parlour shall ensure that every body-rubber performing services in a body-rub parlour owned or operated by him or her notifies the Municipal Licensing and Standards Division before such services commence, or so soon thereafter as is reasonably possible, and shall return the body-rubber's licence to him or her upon the termination of his or her employment.

§ 545-339. Change of address of owner, operator or body-rubber.

Every owner, operator or body-rubber who changes his or her address shall, within two days after such change, attend at the offices of the Municipal Licensing and Standards Division and notify the Municipal Licensing and Standards Division of such change of address and produce his or her licence for the change to be entered thereon.

§ 545-340. Sale, lease or other disposition of body-rub parlour.

- A. No owner's licence shall be transferred, and if an owner sells, leases or otherwise disposes of his or her body-rub parlour or the premises or part thereof upon or in which a body-rub parlour is operated to any person, his or her licence in respect of such body-rub parlour or premises shall, notwithstanding any other provision of this chapter, terminate.
- B. Subject to Subsections D and E hereof, the Toronto Licensing Tribunal may in its discretion issue a new owner's licence to the purchaser, lessee or other person obtaining an interest in

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a body-rub parlour or the premises or part thereof upon or in which a body-rub parlour has been operated, subject also to the following conditions:

- (1) That the new applicant qualify under all of the other provisions of this chapter, and that he or she comply with all of the requirements of this chapter relating to him or her;
 - (2) That the new applicant file with the Municipal Licensing and Standards Division the documents relating to ownership and to his or her right to possess or occupy the body-rub parlour, all as required by § 545-335B of this article;
 - (3) That the applicant and the vendor file with the Municipal Licensing and Standards Division an executed copy of a written agreement between the parties containing all the details of the dealings between the parties in respect of such body-rub parlour or premises; and
 - (4) That the agreement contain a statutory declaration, in a form supplied by the Municipal Licensing and Standards Division, by both the parties and a further statutory declaration by the solicitor for the purchaser in a form supplied by the Municipal Licensing and Standards Division.
- C. The making of a false or intentionally misleading recital of fact, statement or representation in any such agreement or statutory declaration required by Subsection B hereof shall be deemed a violation of the provisions of this chapter.
- D. Notwithstanding Subsections A and B hereof, the Toronto Licensing Tribunal may, in its discretion, refuse to issue a licence or licences to a purchaser, lessee or other person obtaining an interest in a body-rub parlour in a transaction under this section when the Toronto Licensing Tribunal is of the opinion that it is not in the public interest, as determined by the Toronto Licensing Tribunal, that such new licence or licences should be issued, and the Toronto Licensing Tribunal shall, upon demand from any party to the transaction, deliver written reasons for such decision.
- E. Notwithstanding anything in this section, the Toronto Licensing Tribunal may not approve the issuance of any licence except as permitted by § 545-361 of this article.
- F. Upon the sale, lease or other disposition of a body-rub parlour, every operator's licence issued in respect of such body-rub parlour shall terminate, and the Toronto Licensing Tribunal may, subject to the provisions of this chapter, permit the purchaser, lessee or other person obtaining an interest in such body-rub parlour to operate the body-rub parlour by an endorsement to that effect upon an owner's licence issued to him or her or may issue a new operator's licence to any person previously licensed as an operator in respect of such body-rub parlour.

§ 545-341. Body-rub parlours not to be constructed or equipped so as to interfere with enforcement.

- A. No premises in which a body-rub parlour is located shall be constructed or equipped so as to hinder or prevent the enforcement of this chapter.

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- B. No owner, operator or body-rubber shall perform or provide any service or services or permit the performing or providing of any service or services in any body-rub parlour which it constructed or equipped in contravention of Subsection A of this section.

§ 545-342. Body-rub parlours not to be used as dwellings or sleeping quarters.

No premises or part thereof used as a body-rub parlour shall be used as a dwelling or for sleeping purposes.

§ 545-343. Obstruction or locking of individual rooms or cubicles prohibited.

- A. Every body-rub or other service performed in a body-rub parlour shall be given in an individual room or cubicle, but no owner or operator shall permit the door to any room or cubicle where body-rubs are or may be provided to be equipped or constructed with a locking device of any kind, or with any other device or structure which could delay or hinder anyone from entering or obtaining access to such a room or cubicle.
- B. No one may in a body-rub parlour perform a body-rub or provide any other service in a room, cubicle or other enclosure with a door or other means of access which is equipped or constructed with a locking device of any kind or which is equipped or constructed in such a way as to permit the obstruction, hindrance or delay of any person attempting to gain entry thereto.

§ 545-344. Bookkeeping requirements; itemized bill; receipt.

- A. Every owner who operates his or her body-rub parlour business and every operator shall keep proper records and books of account of all business transacted in, by or in respect of the body-rub parlour operated by him or her, which books shall give the amount of gross receipts for all services performed or provided in the said body-rub parlour, the name and licence number of every body-rubber or other person performing services in the said body-rub parlour, including the date of commencement and the date of termination of such services, the amount of salary or commission paid to each body-rubber and all amounts paid by the owner to the operator, if any, or by the operator to the owner, in respect of such body-rub parlour or body-rub parlour business.
- B. Every owner to whom Subsection A relates and every operator shall keep such books and records as are required by that subsection for at least one year after the information required by that subsection is entered therein, and the Municipal Licensing and Standards Division shall at all times have access to such records.
- C. Immediately before any services are provided in a body-rub parlour, the body-rubber or person who is to provide the services shall give to the customer an itemized bill for such services, listing the services to be provided and the price to be paid for each.
- D. Upon payment of the bill referred to in Subsection C, the customer shall be given a written receipt for the full amount paid.
- E. Every owner operating his or her own body-rub parlour and every operator of a body-rub parlour shall ensure that the bill and receipt required by Subsections C and D be provided

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to every customer of the body-rub parlour operated by him or her and shall retain and keep a copy of each such bill and receipt for at least one year after the services referred to therein are performed, and the Municipal Licensing and Standards Division shall at all times have access to such copies.

§ 545-345. Regulations for operation of body-rub parlours.

Every owner who operates his or her own body-rub parlour and every operator of a body-rub parlour shall, in the operation of the body-rub parlour, comply with, and ensure compliance with, the following regulations:

- A. The premises shall be provided with adequate light and ventilation.
- B. The premises and the fixtures and equipment therein shall be regularly washed and be kept in a sanitary condition.
- C. The premises shall be equipped with an effective utility sink.
- D. Adequate toilet and washroom accommodation shall be provided, and there shall be separate such rooms for males and females, and no body-rubs or other services may be provided in any washroom or in any room containing a toilet.
- E. Washrooms shall be equipped with:
 - (1) An adequate supply of hot and cold water;
 - (2) An adequate supply of liquid soap in a suitable container or dispenser;
 - (3) Hot air dryers or individual clean towels for the use of each person using the washing facilities; and
 - (4) A suitable receptacle for used towels and waste material.
- F. No washroom, toilet, sink or basin used for domestic purposes shall be used in connection with a body-rub parlour.
- G. Adequate shower-bath rooms shall be provided, and in such rooms, and in all sauna-bath rooms, if any:
 - (1) The floors shall be disinfected at least once a week with a disinfecting solution approved by the Medical Officer of Health;
 - (2) All surfaces and attached accessories of the bath or shower enclosure must be self-draining;
 - (3) All showers must have removable cleanable drain covers; and
 - (4) Floor surfaces both within and without the enclosures shall be of a non-slip type.
- H. If bathtubs or whirlpool baths are provided on the premises, the following regulations shall apply:

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- (1) A grab-bar or other convenient support shall be provided unless the walls of the tub or whirlpool bath enclosure are 0.61 metre in height or higher;
 - (2) The bottom of the tub or whirlpool bath enclosure shall be of a non-slip type; and
 - (3) The water serving all bathtubs, showers and hand basins used by patrons shall not have a temperature exceeding 49 degrees Celsius and shall be controlled by a device that regulates the temperature, and patrons shall not have access to this device.
- I. A total volume air change of 10 times per hour shall be provided for all tub, shower or bath rooms.
 - J. Common foot baths shall not be provided on the premises.
 - K. Duck-boards or cocoa matting shall not be used in the shower, bath or steam room, and only liquid or powdered soap shall be used in the shower room.
 - L. A notice shall be posted advising all patrons that a cleansing shower or bath must be taken by every person immediately prior to any body-rub being performed upon that person.
 - M. Every person immediately after taking a shower shall be provided with a fresh, clean, individual pair of paper slippers.
 - N. Every table, mat or other surface upon which persons lie or sit while being given or provided with a body-rub shall be clean and in good repair, and shall have a top surface of impervious material.
 - O. Every table, mat or other surface referred to in Subsection N hereof shall, before any person receives a body-rub thereon, be covered with a fresh, clean individual paper or cloth sheet.
 - P. Every sheet or towel shall, immediately after being used by any person, be deposited in a receptacle reserved for that purpose and shall not be utilized again for any purpose before being freshly laundered.
 - Q. All massage or body-rub appliances and any other article or device applied to a customer's body for or in connection with body-rubs shall be cleansed and disinfected after each individual use with a disinfecting solution satisfactory to the Medical Officer of Health, and no such appliance, article or device shall be used or available for use in a body-rub parlour unless it is so constructed as to be readily capable of being so cleansed or disinfected.

§ 545-346. Persons with communicable diseases not to be admitted; medical examination of body-rubbers.

- A. No owner, operator or body-rubber shall perform or permit to be performed a body-rub in any body-rub parlour by or upon any person whom he or she has reasonable cause to suspect has been exposed to or is suffering from any communicable disease, including any communicable skin disease.

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- B. Every owner operating his or her own body-rub parlour and every operator shall take every reasonable precaution to ensure that persons who have been exposed to communicable diseases and persons who are suffering from such diseases are not permitted to enter into the body-rub parlour operated by him or her.
- C. In addition to the requirements of any other provisions in this article, every body-rubber or other person performing body-rubs in a body-rub parlour shall submit to such medical examination and tests as the Medical Officer of Health may require.
- D. No owner or operator shall permit any body-rub to be given, performed, provided or received in any body-rub parlour in breach of any of the regulations contained in this chapter.

§ 545-347. Body-rubbers not to handle currency or other belongings of customers; separate employee required.

No person who performs body-rubs in, upon or at a body-rub parlour shall hold, receive or handle any cash or currency used or received in connection with the business of the body-rub parlour or receive or hold any customer's money or belongings, and every owner or operator shall, during the period in which the body-rub parlour owned or operated by him or her is open for business, provide a person for such purposes, which person shall not, during the period in which he or she is so employed, provide any body-rubs.

§ 545-348. Safekeeping of valuables belonging to customers.

- A. Every owner who operates his or her body-rub parlour and every operator shall provide in respect of the body-rub parlour owned or operated by him or her a service by which any customer may deposit his or her valuables or other property for safekeeping, and any customer who presents his or her property for safekeeping shall be given a receipt specifying the nature of the property so entrusted.
- B. Every owner and operator shall take due care of all property delivered or entrusted to him or her for safekeeping and return it to its owner upon demand. Every body-rubber immediately upon the termination of the services of performing a body-rub shall carefully search the body-rub parlour for any property lost or left therein, and all property or money left in the body-rub parlour shall be forthwith delivered over to the person owning the same, or if the owner cannot at once be found, then to the nearest police station, with all information in his or her possession regarding the same.

§ 545-349. Signs and advertising.

- A. No owner or operator shall in any way or by any means advertise a body-rub parlour owned or operated by him or her, or publish anything or erect, post or maintain any sign, notice or any other publication or device, relating to or drawing attention to such body-rub parlour by any means or in any form whatsoever, except as specifically permitted in this chapter.

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- B. No owner or operator shall permit or suffer any person to advertise any body-rub parlour owned or operated by him or her or to publish, erect or maintain any sign, notice, publication or device relating to or drawing attention to such body-rub parlour, except as specifically permitted in this chapter.
- C. Every owner and operator licensed under this chapter shall exhibit over the street door or in the lower front window of the premises in respect to which such person's licence is issued or in some other conspicuous place on the exterior of such premises satisfactory to the Municipal Licensing and Standards Division a sign issued by the Municipal Licensing and Standards Division bearing the words "LICENSED BODY-RUB PARLOUR NO. ", (inserting after "NO." the owner's licence number). "Comments regarding this business may be made to the Municipal Licensing and Standards Division of the City of Toronto."
- D. Every owner and operator shall keep his or her licence issued in respect of that body-rub parlour exposed in a conspicuous place in the interior of the said premises at all times during the currency of the licence.
- E. No person other than a licensed owner or operator may use the phrase "licensed," "Toronto-licensed," "body-rub," or "licensed body-rub" or any words indicating the offering of the services or facilities of a body-rub parlour in pursuance of or in connection with any business, trade, or occupation carried on in a body-rub parlour in the City of Toronto unless the owner of the premises and every person operating such business and every body-rubber engaged in performing, offering or soliciting body-rubs in, upon or at such premises has been duly licensed so to do under this chapter.
- F. Additional non-illuminated sign.
 - (1) In addition to the sign referred to in Subsection C, there may be displayed flat against the exterior portion of a wall or door of a body-rub parlour one non-illuminated sign of which the facade shall not exceed 0.19 square metre in size, and which sign shall be no more than eight centimetres in depth, which sign may bear the following:
 - (a) The owner's proper legal name as shown on his or her licence;
 - (b) The name, if any, under which the owner carries on business as endorsed on his or her licence in respect of the said body-rub parlour;
 - (c) The address of the body-rub parlour;
 - (d) The telephone number of the body-rub parlour.
 - (2) Other than the foregoing, there shall be no other letters, marks, painting, contrasting colours, symbol, logo or any other mark whatsoever on the said sign.
- G. Where more than one body-rub parlour occupies the same building or structure, there may be one sign as permitted by Subsection F in respect of each body-rub parlour subject to the condition that where one owner owns more than one body-rub parlour situated in one building or structure, such owner is permitted to have only one such sign, which sign may refer to all of the body-rub parlours owned by him or her.

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- H. Without limiting the generality of the foregoing subsections of this section, no owner, operator or body-rubber shall solicit, employ or allow any runner, sandwich-board man, bill or gift distributor or other person to advertise services offered in or by a body-rub parlour, or to assist or act in concert with him or her in soliciting any person to use his or her service or services of any kind offered in or by a body-rub parlour, on any public highway, lane, street, sidewalk, park or other public place.
- I. Without limiting the generality of the foregoing, no owner, operator or body-rubber shall use, or permit to be used, any telephone for the purpose of advertising or soliciting any person to use the service or services provided in a body-rub parlour.
- J. Without limiting the generality of the foregoing, no sign, notice, placard, printing, picture or any other advertising or identifying device or thing whatsoever relating to any body-rub parlour or services offered therein, other than the signs permitted under this section, may be placed on or near any body-rub parlour, or in a body-rub parlour in such a position or place as to be capable of being seen by a person outside the said body-rub parlour, and no owner or operator shall permit or suffer any person to contravene this provision.

§ 545-350. List of services and fees.

- A. Every operator of a body-rub parlour and every owner who operates his or her own body-rub parlour shall file with the Municipal Licensing and Standards Division a copy of a list of all services offered, performed or solicited in, upon or at the said body-rub parlour, and of the respective fees charged for such services, and, if such charges be based on a computation of time, the hourly rate shall be shown on such list.
- B. No operator, owner or body-rubber shall charge, demand, ask for or require, or permit to be charged, demanded, asked for or required for any services, offered, performed or solicited in, upon or at a body-rub parlour any amount other than that set out in a list filed with the Municipal Licensing and Standards Division, or amendments thereto also filed with the Municipal Licensing and Standards Division.
- C. No operator, owner or body-rubber shall offer, perform or solicit a body-rub in, upon, at or in respect of a body-rub parlour, or perform any services thereon, other than body-rubs and other services permitted by endorsement by the Municipal Licensing and Standards Division on the licence of the owner of the body-rub parlour all as described on a list filed with the Municipal Licensing and Standards Division, or amendments thereto also filed with the Municipal Licensing and Standards Division.
- D. Every owner and every operator shall post a copy of the list of services and fees referred to in this section in a conspicuous place in the interior of the body-rub parlour owned or operated by him or her plainly visible to any person upon entering the said premises.

§ 545-351. Owners, operators and body-rubbers to provide name, address and licence upon request.

Every owner, operator, body-rubber or other person performing services in, at or upon a body-rub parlour, or in attendance at a body-rub parlour in pursuance of a trade, business or

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occupation carried on by the owner or operator of such body-rub parlour, shall, upon a request made to him or her by any peace officer, by-law enforcement officer, Medical Officer of Health, or public health inspector acting under the direction of the Medical Officer of Health, provide his or her name and residential address, and if he or she is licensed under this chapter in respect of any trade, business or occupation relating to such body-rub parlour, he or she shall produce his or her said licence.

§ 545-352. Trades, businesses or occupations other than body-rubs in body-rub parlours; food in body-rub parlours.

- A. Subject to this chapter, no owner or operator shall permit in any body-rub parlour owned or operated by him or her the offering, selling, giving, performing or soliciting of any service other than body-rubs or the selling, giving, trading or offering of any goods unless the owner of the said body-rub parlour notifies the Municipal Licensing and Standards Division of his or her intention to so permit such trade, business or occupation and, subject to the discretion of the Municipal Licensing and Standards Division, a description of such services or goods is endorsed on such owner's licence.
- B. Subject to this chapter, no services other than those permitted under the regulatory and licensing powers of City Council with respect to owners or keepers of public bath premises operated for profit, shall be performed, offered or solicited in any shower room, steam room, or in any room or cubicle which contains a shower facility, sauna-bath facilities, bathtub, whirlpool tub or any similar facility, and every owner and operator shall ensure compliance with this provision in any body-rub parlour owned or operated by him or her.
- C. Subject to this chapter, before there is offered, given, solicited or performed in any body-rub parlour any services other than body-rubs for which business, trade, or occupation a licence is otherwise required by this chapter, the owner of the said body-rub parlour shall attend at the offices of the Municipal Licensing and Standards Division and shall apply to have his or her licence endorsed to permit such trade, business or occupation to be carried on in such body-rub parlour, and if the Municipal Licensing and Standards Division authorizes such endorsement, the said owner shall pay the licence fee, if any, required of him or her by the by-law for such a licence.
- D. No owner or operator shall permit any trade, business or occupation for which a licence is required under this chapter to be carried on in a body-rub parlour owned or operated by him or her unless a description of the said trade, business or occupation is endorsed on the owner's licence as provided in this chapter and unless the owner and every other person required to be so licensed has paid the licence fee applicable to him or her.
- E. Every person shall in carrying on or permitting the carrying on of any trade, business or occupation in a body-rub parlour comply with all of the requirements of the by-law relating thereto, including the requirement of licence, if any.
- F. Where an owner's licence is endorsed by the Municipal Licensing and Standards Division to permit the carrying on in a body-rub parlour of a trade, business or occupation other than the provisions of body-rubs, such owner shall, subject to the provisions of this chapter, be permitted to post on the exterior of such body-rub parlour a sign bearing, in plain letters no

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more than 15.5 centimetres in height, the words so endorsed upon such licence in respect of such body-rub parlour.

- G. No food or beverage shall be prepared, consumed, kept for sale, sold, bought, given or offered free of charge in any body-rub parlour, provided that:
- (1) There may be installed in a body-rub parlour a vending machine which dispenses beverages only; and
 - (2) Persons employed by or under contract of services to an owner or operator of a body-rub parlour, and such owner or operator, may prepare food for their own use and consume food in a room in such body-rub parlour used exclusively for such purposes.

§ 545-353. Minors.

- A. No person under the age of 18 may be or act as an owner or operator of a body-rub parlour or provide any services in a body-rub parlour.
- B. No one may provide a body-rub or any other services in a body-rub parlour to a person who is or who appears to be under the age of 18 years.
- C. No owner or operator shall permit any person actually or apparently under the age of 18 to enter or remain in any body-rub parlour owned or operated by him or her.

§ 545-354. Patrons not to be intoxicated; services not to cause illness or injury.

- A. No owner, operator, body-rubber or other person shall provide a body-rub or any other service or services in a body-rub parlour to a person who is or who appears to be intoxicated by alcohol or a drug or to any person whose appearance or condition provides reasonable cause to believe that the provision of such services to such person may cause illness or injury to him or her.
- B. No owner or operator shall permit any person who appears to be intoxicated by alcohol or a drug to enter or remain in any body-rub parlour operated by him or her.

§ 545-355. Hours of operation; schedule of hours of operation to be filed; means of access to remain unobstructed.

- A. No owner or operator shall, in respect of a body-rub parlour owned or operated by him or her, open such body-rub parlour for business or permit the same to be or to remain open for business or permit any body-rub or services of any kind to be performed, offered or solicited in the said body-rub parlour except between the hours of 9:00 a.m. and 9:00 p.m. on Monday to Saturday, inclusive, and between the hours of 12:00 p.m. and 5:00 p.m. on Sundays and holidays. **[Amended 2005-12-07 by By-law 1055-2005]**
- B. Subject to Subsection A of this section, every owner who operates his or her own body-rub parlour and every operator of a body-rub parlour shall file with the Municipal Licensing and Standards Division a schedule showing the hours of business to be observed by him or her in the carrying on of his or her operation of the body-rub parlour operated by him or

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her, which schedule shall state specifically the opening and closing times of the said body-rub parlour for each day of the week.

- C. No person shall permit a body-rub parlour owned or operated by him or her to be open for business at any time other than the times set forth in a schedule filed with the Municipal Licensing and Standards Division pursuant to Subsection B of this section.
- D. During the hours of business of a body-rub parlour set forth in the schedule filed with the Municipal Licensing and Standards Division in accordance with Subsection B or at any time at which a body-rub parlour is open for business, or at any time at which a body-rubber is in attendance at a body-rub parlour, it shall be the responsibility of the owner and of the operator, if any, to ensure that the door or doors or other principal means of access into the body-rub parlour by the public shall be kept unlocked and available so that anyone coming into the body-rub parlour from the street or other public place may enter therein without hindrance or delay.
- E. Either the owner or an operator licensed in respect of such owner's body-rub parlour shall be in attendance at such owner's body-rub parlour at all of the times referred to in Subsection D of this section, and no owner or operator shall permit a body-rub parlour owned or operated by him or her to open for business, to remain open for business, or any body-rubber to enter or remain therein, or any services to be performed, offered or solicited in such body-rub parlour, unless this subsection is complied with.
- F. For the purposes of this section, so long as the time commonly observed in the City of Toronto is one hour in advance of standard time, the times mentioned in this section and in this article shall be reckoned in accordance with the time so commonly observed and not standard time.

§ 545-356. Drugs and alcohol.

- A. No owner, operator or body-rubber shall take, consume or have a liquor or a drug in his or her possession in a body-rub parlour, nor shall the use of liquor or a drug by him or her be apparent while he or she is in a body-rub parlour.
- B. For the purposes of Subsection A, the word "drug" shall be deemed to exclude patent medicines and prescription drugs required for medicinal purposes.
- C. Notwithstanding Subsection A, every owner who operates his or her own body-rub parlour and every operator shall provide and maintain at all times at the body-rub parlour operated by him or her a first-aid kit equipped in a manner satisfactory to the Medical Officer of Health.

§ 545-357. Appearance and behaviour of owners, operators and body-rubbers.

Every owner, operator and body-rubber shall, while engaged in his or her respective trade, business or occupation in a body-rub parlour, be properly dressed, neat and clean in his or her person and civil and well-behaved to members of the public with whom he or she is dealing.

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§ 545-358. Use of cameras or other photographic or recording devices.

No owner, operator or body-rubber shall use or permit to be used any camera or other photographic or recording device in, upon or at a body-rub parlour by any person other than a peace officer, Medical Officer of Health or a public health inspector acting under his or her direction, the Municipal Licensing and Standards Division, or any person designated by the Executive Director. [Amended 2015-10-02 by By-law 973-2015]

§ 545-359. Unlicensed persons to comply.

Every person shall comply with the provisions of this chapter applicable to him or her whether or not he or she is licensed under this chapter.

§ 545-360. Compliance with other provisions.

Notwithstanding any provision in this article, nothing herein permits the contravention of any provision in this chapter or in any other by-law of City Council.

§ 545-361. Number of owners' licences restricted.

The number of owners' licences which may be issued pursuant to this chapter in respect of body-rub parlours shall be limited to 25.

ARTICLE XXXII
Adult Entertainment Clubs¹²⁰

§ 545-362. Definitions.

As used in this article, the following terms shall have the meanings indicated:

DESIGNATED ENTERTAINMENT AREA - means an area within the club, approved by the Executive Director of Municipal Licensing and Standards Division, or his or her designate, in which services designed to appeal to erotic or sexual appetites or inclinations are or may be provided. This area includes all private booths, rooms, cubicles, or any other area and enclosure where such services are or may be provided. All areas included in the designated entertainment area must provide unobstructed access to all entrances and exits to or in the premises.

ENTERTAINER - A person licensed or required to be licensed under § 545-2A(56).

OWNER, OPERATOR and DESIGNATED MANAGER - Respectively, an owner, operator, or designated manager of an adult entertainment club licensed as such or required to be licensed as such under § 545-2A(55).

¹²⁰ Editor's Note: Art. XXXII, Adult Entertainment Parlours, was replaced February 21, 2013 by By-law 243-2013 with a new Art. XXXII, Adult Entertainment Clubs. This new Art. came into effect February 1, 2013 and was amended by By-law 619-2013. Art. XXXII, Adult Entertainment Clubs, was again replaced May 10, 2013 by By-law 620-2013. This new Art. came into effect July 1, 2013.

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PRIVATE ROOM, BOOTH OR CUBICLE - Any space within a designated entertainment area used for the provision of services that is substantially obscured from the view of nearby persons by reason of being partially or fully enclosed by any means whatsoever.

SECURITY PERSONNEL - Any person whose primary responsibility or duty while engaged or hired by an adult entertainment club is to ensure orderly conduct on the premises or to guard, patrol or to provide security to the premises, entertainers, patrons or employees.

SERVICES - Services designed to appeal to erotic or sexual appetites or inclinations, as defined in the definition of "adult entertainment club" in § 545-1.

TO PROVIDE and SERVICES DESIGNED TO APPEAL TO EROTIC OR SEXUAL APPETITES OR INCLINATIONS - The meaning given to them respectively in the definition of "adult entertainment club" in § 545-1.

§ 545-363. Application and licensing requirements.

- A. On every application by an individual person for an owner's, operator's, designated manager's or entertainer's licence or for the renewal thereof, the applicant shall attend in person and not by an agent at the offices of the Municipal Licensing and Standards Division and shall complete the prescribed forms and shall furnish to the Municipal Licensing and Standards Division such information as the Municipal Licensing and Standards Division may direct.
- B. In the case of an adult entertainment club owned or operated by a partnership, the attendance required under Subsection A shall be by one of the partners and in the case of an adult entertainment club owned or operated by a corporation, such attendance shall be by an officer of the corporation.
- C. Every applicant for an owner's licence shall, at the time of making his or her application, file with the Municipal Licensing and Standards Division a list showing the names of all operators of and entertainers providing services in his or her adult entertainment club and all such persons intended or expected by him or her to be employed or to provide services in his or her adult entertainment club and shall thereafter maintain a list showing at all times the names of all operators of and entertainers providing services in his or her adult entertainment club; and such owner shall, upon a request made to him or her by the Municipal Licensing and Standards Division, any peace officer or a by-law enforcement officer, produce the list, brought up to date as of the time of the request.
- D. On every application for an owner's, operator's, designated manager's or entertainer's licence by an individual or by a corporation, the applicant shall state:
 - (1) If the applicant is an individual, his or her date of birth; and

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- (2) If the applicant is a corporation, the date of birth of every shareholder or other person having a beneficial interest of any kind in the shares of the corporate applicant or in any of the corporations referred to in § 545-364.
- E. Every applicant referred to in Subsection D and every shareholder, partner or other person referred to in this section or in §§ 545-364, 545-365 or 545-366, shall file with or produce to the Municipal Licensing and Standards Division proof of his or her age, if required to do so by the Municipal Licensing and Standards Division, and no such licence shall be issued unless the Municipal Licensing and Standards Division is satisfied that every such person is of the full age of 18 years.
- F. Every owner or operator applying for or renewing a licence in respect of an adult entertainment club shall file with the Municipal Licensing and Standards Division a copy of any licence or permit issued under the *Liquor Licence Act* in respect of such premises and shall advise the Municipal Licensing and Standards Division forthwith of any suspension, cancellation, revocation or termination of the licence or permit issued under the *Liquor Licence Act* or a change to any of its terms.
- G. Every holder of and every applicant for an owner's licence shall submit for approval by the Executive Director, or his or her designate, an up-to-date, detailed floor plan, drawn to scale, of the adult entertainment club. The details on such a floor plan shall include but are not limited to the following:
- (1) The boundaries of any proposed designated entertainment area(s); and
- (2) The location of seating areas, offices, cloak rooms, enclosures, curtains, disc jockey areas, kitchen facilities, bar areas, dressing or locker rooms, washrooms, storage areas, entrances and exits.
- H. No owner shall change or cause a change to the floor plan referred to in Subsection G without first submitting a revised floor plan containing the information described in that subsection for approval by the Executive Director, or his or her designate.

§ 545-364. Application for licence by corporations.

- A. Every corporation applying for an owner's or operator's licence shall file with the Municipal Licensing and Standards Division at the time of its application a copy of its letters of incorporation or other incorporating document, duly certified by the proper government official or department, together with an annual return in a form supplied by the Municipal Licensing and Standards Division, which annual return shall contain a list of all the shareholders of the corporation.
- B. Where the shares in a corporation applying for an owner's or operator's licence are held in whole or in part by another corporation, the corporation so applying shall file with the Municipal Licensing and Standards Division an annual return in a form supplied by the Municipal Licensing and Standards Division, which annual return shall contain a list of all of its shareholders; and if such annual return discloses that the shares in such other

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corporation are in turn held in whole or in part by a third corporation, then the said applicant shall also file such an annual return in respect of such third corporation listing its shareholders, and so on until the names of all living persons are shown and identified as the shareholders of any and all corporations having an interest, direct or indirect, in the shares of the applicant corporation.

- C. All annual returns required by Subsection B shall be filed with the Municipal Licensing and Standards Division at the same time as the filing of the application for the licence.
- D. Every owner or operator which is a corporation shall, in every year, on or before the time at which it applies for the renewal of its licence, file with the Municipal Licensing and Standards Division an annual return on a form supplied by the Municipal Licensing and Standards Division.
- E. Where a corporation is the holder of an owner's or operator's licence or licences, the corporation shall forthwith notify the Municipal Licensing and Standards Division in writing of all transfers of existing shares and of the issue of any existing or new shares of the capital stock of the corporation and of any such transaction involving the shares of any corporation referred to in Subsection B.
- F. Where, as a result of the transfer of existing shares or by the issue of new shares of a limited company, the Municipal Licensing and Standards Division has reasonable grounds to believe that the limited company may not be entitled to the continuation of its licence in accordance with this chapter, the Toronto Licensing Tribunal may determine whether the licence or licences shall be revoked or have conditions placed on it.
- G. Where, by a transfer of existing shares or by an issue of new or existing shares, the controlling interest in a corporation holding one or more owner's or operator's licences is sold, transferred or acquired, such licence or licences shall be terminated forthwith and the Municipal Licensing and Standards Division may issue a new licence or new licences upon payment of the prescribed fee. The Toronto Licensing Tribunal may refuse to issue a new licence or licences if it determines that it is in the public interest so to do.
- H. Where the shares of a corporate owner or operator are held in whole or in part by another corporation, such owner or operator shall file with the Municipal Licensing and Standards Division at the same time as the owner or operator an annual return as provided in Subsection D; and if the shares in such other corporation are in turn held in whole or in part by a third corporation, then such owner or operator shall likewise file such an annual return in respect of such third corporation and so on until the names of all living persons are shown and identified as the shareholders of any and all corporations having an interest, direct or indirect, in the corporate owner or operator.
- I. For the purpose of this section, "shareholder" and any words referring to the holding of shares includes all persons having a beneficial interest of any kind in the shares of the corporation.

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§ 545-365. Application for licence by partnerships.

- A. Persons associated in a partnership applying for an owner's or operator's licence shall file with its application to the Municipal Licensing and Standards Division a declaration in writing signed by all members of the partnership, which declaration shall state:
- (1) The full name of every partner and the address of his or her ordinary residence;
 - (2) The name or names under which they carry on or intend to carry on business;
 - (3) That the persons named are the only members of the partnership; and
 - (4) The mailing address for the partnership.
- B. If any member of a partnership applying for a licence is a corporation, such corporation shall for the purposes of § 545-364 be deemed to be a corporation applying for an owner's or operator's licence; and if such licence is issued to the partnership, such corporation shall, for the purposes of the said section, be deemed to be a corporation which holds an owner's or operator's licence.
- C. It shall be the duty of every member of a partnership to advise the Municipal Licensing and Standards Division immediately in writing of any change in the membership of the partnership and of any other change in any of the particulars relating to the partnership or its business which are required to be filed with the Municipal Licensing and Standards Division.
- D. Where, by reason of any change in the membership of a partnership, the Municipal Licensing and Standards Division has reasonable grounds to believe that the partnership is not entitled to the continuation of its licence in accordance with this chapter, the Toronto Licensing Tribunal may, in its discretion, determine whether the licence or licences shall be revoked or terminated and whether or not a new licence should issue to the partnership as presently constituted.

§ 545-366. Declaration to be filed when name of business indicates plurality of members.

- A. Every person applying for an owner's, operator's or entertainer's licence who carries on or intends to carry on his or her business in or relating to an adult entertainment club under a name or designation other than his or her own name or under his or her own name with the addition of the expression "and company" or some other expression indicating a plurality of members in the firm shall, at the time of the making of his or her application, file with the Municipal Licensing and Standards Division a declaration, which shall state:
- (1) His or her full name and the address of his or her ordinary residence;
 - (2) Any name or designation under which he or she carries on or intends to carry on business and the date when the name or designation was first used by him or her;

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- (3) That no other person is associated with him or her in partnership;
 - (4) The date of his or her birth; and
 - (5) The mailing address for his or her business.
- B. A person to whom this section relates shall notify the Municipal Licensing and Standards Division immediately of any change in any of the particulars required to be filed with the Municipal Licensing and Standards Division under Subsection A.

§ 545-367. Legal name to be used in application; use of other name or designation.

- A. Every owner, operator, designated manager or entertainer applying for a licence must use his or her own legal name in making such application and subject to Subsection B, no such licence shall be issued to any person in any name other than his or her own legal name.
- B. Every owner, operator or entertainer intending to use some name or designation other than his or her own may, at the time of the issue of his or her licence, or at the time at which he or she files with the Municipal Licensing and Standards Division notice of intention to use such name or designation, have endorsed on his or her licence such name or designation.
- C. No owner, operator or entertainer shall carry on business under any name or designation other than his or her own, unless he or she has filed with the Municipal Licensing and Standards Division a notice of his or her intention to use such name or designation, and no person shall use any name or designation in respect of an adult entertainment club or of any trade, business or occupation carried on therein without first notifying the Municipal Licensing and Standards Division of such name or designation intended to be used and having such name endorsed upon his or her licence in accordance with Subsection B.

§ 545-368. Review of application by governmental agencies.

Every application for an owner's or operator's licence shall be submitted by the Municipal Licensing and Standards Division for a report to the Medical Officer of Health and to the Toronto Police Service and may also be referred to any other government official or functionary for a report; and where any such report is negative or unfavourable to the applicant, the applicant shall be furnished with a copy of such report and shall have the right to appear before the Toronto Licensing Tribunal for a hearing to determine whether or not the application should be granted notwithstanding such report.

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§ 545-369. Licensing requirements of owners and operators.

- A. No adult entertainment club may open for business or operate or be operated unless its owner is licensed as such under this chapter.
- B. Documentation concerning ownership of property.
 - (1) Every person applying for an owner's licence shall file with the Municipal Licensing and Standards Division documentation satisfactory to the Municipal Licensing and Standards Division demonstrating the applicant's right to possess or occupy the premises used by him or her as an adult entertainment club; and if such person is not the registered owner or owner in fee simple of the property upon which the adult entertainment club is located, such person shall file with the Municipal Licensing and Standards Division at the same time a copy of his or her lease, if any, and of any other document constituting or affecting the legal relationship between the said applicant and the said registered owner or owner in fee simple of the real property.
 - (2) For the purpose of this subsection, "registered owner" means the owner as registered pursuant to the *Land Titles Act* or the *Registry Act* as the case may be.
- C. A separate owner's licence shall be taken out in respect of each adult entertainment club.
- D. Every person who operates, manages, supervises, runs or controls an adult entertainment club shall obtain an operator's licence, but nothing herein relieves an owner of such adult entertainment club from the requirement that he or she obtain an owner's licence.
- E. An owner, operator or designated manager may, subject to the provisions of this chapter, if his or her licence as an owner or operator is so endorsed by the Municipal Licensing and Standards Division, perform the services of an entertainer in the adult entertainment club of which he or she is the owner, operator or designated manager.
- F. An owner who operates his or her own adult entertainment club shall notify the Municipal Licensing and Standards Division of this fact at the time he or she obtains his or her licence, and his or her licence may be endorsed accordingly upon payment of the appropriate licence fee, and he or she shall notify the Municipal Licensing and Standards Division and have the said endorsement amended before engaging any operator to operate his or her adult entertainment club.

§ 545-370. Regulations concerning owners and operators.

- A. No owner of an adult entertainment club or premises shall permit any person other than a licensed operator or designated manager to operate such adult entertainment club, except as set out in § 545-385E and F.

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- B. No owner or operator shall permit the provision of services upon or at his or her adult entertainment club or pursuant to the operation by him or her of an adult entertainment club by any person other than a licensed entertainer or other person licensed or authorized by or under this chapter so to do.
- C. No owner shall permit any person, other than an employee of such owner or a person with whom the owner has contracted, to operate his or her adult entertainment club or to provide services in his or her adult entertainment club.
- D. No owner or operator shall permit any entertainer to provide services in any area that has not been approved as a designated entertainment area by the Executive Director, or his or her designate under § 545-363G or H.
- E. No operator not being the owner of an adult entertainment club shall operate the said adult entertainment club unless the owner of the said adult entertainment club is duly licensed as owner under this chapter.
- F. No operator may operate an adult entertainment club unless he or she first notifies the Municipal Licensing and Standards Division of the name of the owner whose adult entertainment club he or she intends to operate and has endorsed upon his or her licence the said owner's name accordingly, and every operator before operating any other adult entertainment club shall notify the Municipal Licensing and Standards Division of his or her intention so to do and have his or her licence endorsed accordingly.

§ 545-371. Written contracts of service.

A copy of every written contract of service, contract for services or other document constituting or pertaining to the relationship between owner and operator of an adult entertainment club or between owner or operator and an entertainer providing services at an adult entertainment club shall be filed with the Municipal Licensing and Standards Division, and the original of any such document shall be made available for inspection at any time by the Municipal Licensing and Standards Division upon request, and shall be retained by the owner or operator for a period of six months after its termination.

§ 545-372. Change of address of owner, operator or entertainer.

Every owner, operator, designated manager or entertainer who changes his or her address shall, within two days after such change, attend at the offices of the Municipal Licensing and Standards Division and notify the Municipal Licensing and Standards Division of such change of address and produce his or her licence so the change may be entered on it.

§ 545-373. Sale, lease or other disposition of adult entertainment club.

- A. No owner's licence shall be transferred, and if an owner sells, leases or otherwise disposes of his or her adult entertainment club or the premises or part thereof upon or in which an adult entertainment club is operated to any person, his or her licence in respect

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of such adult entertainment club or premises shall, notwithstanding any other provision of this chapter, terminate.

- B. Subject to Subsections D and E, the Toronto Licensing Tribunal may in its discretion issue a new owner's licence to the purchaser, lessee or other person obtaining an interest in an adult entertainment club or the premises or part thereof upon or in which an adult entertainment club has been operated subject also to the following conditions:
- (1) That the new applicant qualify under all of the other provisions of this chapter, and that he or she comply with all of the requirements of this chapter relating to him or her;
 - (2) That the new applicant file with the Municipal Licensing and Standards Division the documents relating to ownership and to his or her right to possess or occupy the adult entertainment club, all as required by § 545-370B;
 - (3) That the applicant and the vendor file with the Municipal Licensing and Standards Division an executed copy of a written agreement between the parties containing all the details of the dealings between the parties in respect of such adult entertainment club or premises;
 - (4) That the agreement contain a statutory declaration, in a form supplied by the Municipal Licensing and Standards Division, by both the parties and a further statutory declaration by the solicitor for the purchaser in a form supplied by the Municipal Licensing and Standards Division.
- C. The making of a false or intentionally misleading recital of fact, statement or representation in any such agreement or statutory declaration required by Subsection B shall be deemed a violation of the provisions of this chapter.
- D. Notwithstanding Subsections A and B, the Toronto Licensing Tribunal may in its discretion refuse to issue a licence or licences to a purchaser, lessee or other person obtaining an interest in an adult entertainment club in a transaction under this section when the Toronto Licensing Tribunal is of the opinion that it is not in the public interest, as determined by the Toronto Licensing Tribunal, that such new licence or licences should be issued, and the Toronto Licensing Tribunal shall, upon demand from any party to the transaction, deliver written reasons for such decision.
- E. Upon the sale, lease or other disposition of an adult entertainment club, every operator's licence issued in respect of such adult entertainment club shall terminate, and the Municipal Licensing and Standards Division may, subject to the provisions of this chapter, permit the purchaser, lessee or other person obtaining an interest in such adult entertainment club to operate the adult entertainment club by an endorsement to that effect upon an owner's licence issued to him or her or may issue a new operator's licence to any person previously licensed as an operator in respect of such adult entertainment club.

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§ 545-374. Adult entertainment clubs not to be used as dwellings or sleeping quarters.

No premises or part thereof used as an adult entertainment club shall be used as a dwelling or for sleeping purposes.

§ 545-375. Requirements for private rooms, booths or cubicles; obstruction or locking prohibited.

- A. All private rooms, booths or cubicles must have no more than three sides; or have one side constructed of non-opaque material such as glass or plexiglass. When only one side of the private room, booth or cubicle is open or constructed of a non-opaque material, such side may not abut another private room, booth, or cubicle or be placed with four feet of a wall or other solid obstruction. When services are being provided, the view into any private room, booth or cubicle must not be obstructed by any means and must permit an unobstructed view of the interior to anyone in its immediate vicinity and in all lighting conditions.
- B. No means of access to a private room, booth or cubicle shall be equipped or constructed with a locking device of any kind.
- C. All private rooms, booths or cubicles must be equipped with an alert system or signalling device for use by and easily accessible to entertainers; such system or device must be in working order and monitored by security personnel or by an owner or operator at all times.
- D. The interior of any private room, booth or cubicle shall allow for adequate clearance between its occupants and between its occupants and any furniture, walls, partitions, fixtures or objects so as to allow for the unrestricted movement of its occupants.
- E. No entertainer shall provide any services and no owner, operator or designated manager shall permit any services to be provided in any private room, booth or cubicle that does not meet the requirements.

§ 545-376. Bookkeeping requirements.

- A. Every owner who operates his or her adult entertainment club business and every operator shall keep proper records and books of account of all business transacted in, by or in respect of the adult entertainment club operated by him or her, which books shall give the amount of gross receipts for all services provided in the said adult entertainment club, including all receipts for admission fees and other charges and receipts in respect of entry to or services provided in such adult entertainment club, the name and licence number of every entertainer providing services in the said adult entertainment club, including the date of commencement and the date of termination of such services, the amount of salary or commission paid to each entertainer and all amounts paid by the

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owner to the operator, if any, or by the operator to the owner, in respect of such adult entertainment club or adult entertainment business.

- B. Every owner to whom Subsection A relates and every operator shall keep such books and records as are required by that subsection for at least one year after the information required by that subsection is entered therein, and the Municipal Licensing and Standards Division shall at all times have access to such records.

§ 545-377. Regulations for operation of adult entertainment clubs.

Every owner who operates his or her own adult entertainment club and every operator of an adult entertainment club shall comply with, and ensure compliance with, the following regulations:

- A. The premises, including all private rooms, booths or cubicles, shall be provided with adequate light and shall be ventilated in accordance with the Ontario Building Code Act, 1992 and its regulations, or any other applicable statute, regulation or by-law.
- B. The premises and all fixtures and equipment, including but not limited to dancing poles and stages, shall be regularly washed and kept in a sanitary condition.
- C. The premises shall have an enclosed dressing or locker room, located outside of any designated entertainment area, for the exclusive use of entertainers, and such dressing or locker room shall provide a secure place for each entertainer to store his or her personal belongings.
- D. All dressing or locker rooms and designated entertainment areas shall have alcohol hand sanitizer dispensers installed in conspicuous locations, and such dispensers must be in good working order and accessible to entertainers, patrons and employees at all times.
- E. The premises shall have an easily-accessible first-aid kit, equipped in a manner satisfactory to the Medical Officer of Health or a public health inspector, or his or her designate.
- F. The premises shall be equipped with an effective utility sink.
- G. Adequate toilet and washroom accommodation shall be provided, and there shall be separate such rooms for males and females.
- H. Washrooms shall be equipped with:
- (1) An adequate supply of hot and cold water;
 - (2) An adequate supply of liquid soap in a suitable container or dispenser;
 - (3) Hot air dryers or individual clean towels for the use of each person using the washing facilities; and

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- (4) A suitable receptacle for used towels and waste material.
- I. No washroom, toilet, sink or basin used for domestic purposes shall be used in connection with an adult entertainment club.
- J. In all shower-bath rooms, if any, and in all sauna-bath rooms, if any:
 - (1) The floors shall be disinfected at least once a week with a disinfecting solution approved by the Medical Officer of Health;
 - (2) All surfaces and attached accessories of the bath or shower enclosure must be self-draining;
 - (3) All showers must have removable cleanable drain covers; and
 - (4) Floor surfaces both within and without the enclosures shall be of a non-slip type.
- K. Common foot baths shall not be provided on the premises.
- L. Duck-boards or cocoa matting shall not be used in the shower, bath or steam room, and only liquid or powdered soap shall be used in the shower room.

§ 545-378. Owners, operators and designated managers to ensure compliance with regulations.

No owner, operator or designated manager shall permit any services to be given, performed, provided or received in any adult entertainment club in breach of any of the regulations contained in this chapter.

§ 545-379. Signs and advertising.

- A. Every owner and operator licensed under this chapter shall exhibit over the street door or in the lower front window of the premises in respect to which such person's licence is issued or in some other conspicuous place on the exterior of such premises satisfactory to the Executive Director, or his or her designate, a sign issued by the Municipal Licensing and Standards Division bearing the words, "LICENSED ADULT ENTERTAINMENT CLUB No. " (inserting after "No." the owner's licence number), "Comments regarding this business may be made to the Municipal Licensing and Standards Division at 416-392-3082."
- B. Every owner and operator shall post his or her licence issued in respect of an adult entertainment club in a conspicuous place within the premises at all times during the currency of the licence.

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- C. No person other than a licensed owner or operator may use the phrase "licensed", "Toronto-licensed" or any words indicating the provision of the services at an adult entertainment club in pursuance of or in connection with any business, trade or occupation carried on in an adult entertainment club in the City of Toronto unless the owner of the premises and every person operating such business and every entertainer engaged in providing services at such premises has been duly licensed so to do by the Municipal Licensing and Standards Division.

§ 545-380. List of services and fees.

- A. Every operator of an adult entertainment club and every owner who operates his or her own adult entertainment club shall file with the Municipal Licensing and Standards Division a copy of a list of all services provided at the said adult entertainment club and of the respective fees charged for services including admission fees and any other payment charged in respect of entry to the adult entertainment club, and, if any charge be based on a computation of time, the hourly rate shall be shown on such lists.
- B. No operator, owner or entertainer shall charge, demand, ask for or require or permit to be charged, demanded, asked for or required for any services, provided at an adult entertainment club any amount other than that set out in a list filed with the Municipal Licensing and Standards Division, or amendments thereto also filed with the Municipal Licensing and Standards Division.
- C. No operator, owner or entertainer shall provide services at or in respect of an adult entertainment club other than those permitted by endorsement by the Municipal Licensing and Standards Division on the licence of the owner of the adult entertainment club all as described on a list filed with the Municipal Licensing and Standards Division, or amendments thereto also filed with the Municipal Licensing and Standards Division.
- D. Every owner and every operator shall post a copy of the list of services and fees referred to in this section in a conspicuous place in the interior of the adult entertainment club owned or operated by him or her plainly visible to any person upon entering the said premises.

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§ 545-381. Owners, operators, designated managers and entertainers to provide name, address and licence upon request; exception for entertainers.

- A. Every owner, operator, designated manager and entertainer providing services at an adult entertainment club or in attendance at an adult entertainment club in pursuance of a trade, business or occupation carried on by the owner or operator of such adult entertainment club, shall, upon a request made to him or her by any peace officer, by-law enforcement officer, Medical Officer of Health or public health inspector acting under the direction of the Medical Officer of Health provide his or her name and residential address, and if he or she is licensed under this chapter in respect of any trade, business or occupation relating to such adult entertainment club, he or she shall produce his or her said licence.
- B. Notwithstanding Subsection A, this section does not require an entertainer to identify himself or herself or produce his or her licence to a Medical Officer of Health or public health inspector.

§ 545-382. Other trades, businesses or occupations in adult entertainment clubs.

- A. Before there is carried on in any adult entertainment club any business, trade or occupation in an adult entertainment club for which a licence is otherwise required by this chapter, the owner of the said adult entertainment club shall attend at the offices of the Municipal Licensing and Standards Division and shall apply to have his or her licence endorsed to permit such trade, business or occupation to be carried on in such adult entertainment club, and if the Municipal Licensing and Standards Division authorizes such endorsement, the said owner shall pay the licence fee, if any, required of him or her by the by-law for such a licence.
- B. No owner or operator shall permit any trade, business or occupation for which a licence is required under this chapter to be carried on in an adult entertainment club owned or operated by him or her unless a description of the said trade, business or occupation is endorsed on the owner's licence as provided in this chapter and unless the owner and every other person required to be so licensed has paid the licence fee applicable to him or her.
- C. Every person shall in carrying on or permitting the carrying on of any trade, business or occupation in an adult entertainment club comply with all of the requirements of the by-law relating thereto, including the requirement of licence, if any.

§ 545-383. Minors.

- A. No person under the age of 18 may be or act as an owner, operator or designated manager of an adult entertainment club or provide any services in an adult entertainment club.
- B. No one may provide services in an adult entertainment club to a person under the age of 18 years.

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- C. No owner, operator or designated manager shall permit any person under the age of 18 to enter or remain in any adult entertainment club owned, operated or managed by him or her.
- D. This section shall not be deemed to prohibit any person from entering or remaining in any premises licensed as an adult entertainment club except when services are being provided in such premises.

§ 545-384. Patrons not to be intoxicated.

No owner, operator or designated manager shall permit any person who appears to be intoxicated by alcohol or a drug to enter or remain in any adult entertainment club owned, operated or managed by him or her.

§ 545-385. Hours of operation; schedule of hours of operation to be filed; means of access to remain unobstructed.

- A. No owner or operator shall, in respect of an adult entertainment club owned or operated by him or her, open or permit to remain open for business such adult entertainment club or permit any services of any kind to be provided in the said adult entertainment club at any time between the hours of 1:00 a.m. and 8:00 a.m. of the same day.
- B. Subject to Subsection A, every owner who operates his or her own adult entertainment club and every operator of an adult entertainment club shall file with the Municipal Licensing and Standards Division a schedule showing the hours of business to be observed by him or her in the carrying on of his or her operation of the adult entertainment club, which schedule shall state specifically the opening and closing times of the said adult entertainment club for each day of the week.
- C. No person shall permit an adult entertainment club owned, operated or managed by him or her to be open for business at any time other than the times set forth in a schedule filed with the Municipal Licensing and Standards Division pursuant to Subsection B.
- D. During the hours of business of an adult entertainment club set forth in the schedule filed with the Municipal Licensing and Standards Division in accordance with Subsection B, or at any time at which an entertainer is in attendance at an adult entertainment club, it shall be the responsibility of the owner, operator and designated manager, if any, to ensure that the door or doors or other principal means of access into the adult entertainment club by the public shall be kept unlocked and available so that anyone coming into the adult entertainment club from the street or other public place may enter without hindrance or delay.
- E. Either the owner, operator or designated manager licensed in respect of an adult entertainment club shall be in attendance at such adult entertainment club at all times during its hours of operation, and no owner or operator shall permit an adult entertainment club owned or operated by him or her to open for business, or remain open

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for business, or any entertainer to enter or remain therein, or any service to be provided at such entertainment club unless this subsection is complied with.

- F. Notwithstanding Subsection E, an owner, operator or designated manager may, in case of an emergency or on a temporary basis, appoint another employee of the club to supervise its daily operations in the owner's or designated manager's absence.
- G. For the purposes of this section, so long as the time commonly observed in the City of Toronto is one hour in advance of standard time, the times mentioned shall be reckoned in accordance with the time so commonly observed and not standard time.

§ 545-386. Drugs and alcohol.

- A. No owner, operator, designated manager or entertainer shall consume liquor or drugs while working in an adult entertainment club, nor shall the use of liquor or any drug impair his or her ability to operate, manage or offer services in an adult entertainment club.
- B. For the purposes of Subsection A, the word "drug" shall be deemed to exclude patent medicines and prescription drugs required for medicinal purposes.

§ 545-386.1. Exemption from certain provisions for adult entertainment clubs licensed under the Liquor Licence Act.

[Added 2013-12-18 by By-law 1705-2013¹²¹]

Subsections 545-385A, B, C and G and 545-386 do not apply to adult entertainment clubs licensed under the Liquor Licence Act.

§ 545-387. Appearance and behaviour of owners, operators and entertainers.

Every owner, operator and entertainer shall, while engaged in his or her respective trade, business or occupation in an adult entertainment club, be neat and clean in his or her person and civil and well-behaved to members of the public with whom he or she is dealing.

§ 545-388. Use of cameras or other photographic or recording devices.

- A. No owner, operator, designated manager or entertainer shall use or permit to be used any camera or other photographic or recording device in, upon or at an adult entertainment club by any person other than a peace officer, Medical Officer of Health or a public health inspector acting under his or her direction or a by-law enforcement officer.
- B. Subsection A shall not apply to cameras installed in an adult entertainment club for security purposes in areas other than washrooms and dressing or change rooms.

¹²¹ Editor's Note: By-law 1705-2013 came into effect December 16, 2013.

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- C. If cameras are installed in an adult entertainment club for security purposes, the owner or operator of such adult entertainment club shall ensure that signs are posted in conspicuous locations, including each entrance to the adult entertainment club and in each designated entertainment area to notify its occupants of the use of security cameras, and such signs must be legible and clearly visible to anyone approaching.
- D. No owner or operator shall disclose, distribute, make available or allow any person to disclose, distribute or make available any information recorded by a camera or other photographic or recording device installed or used in the adult entertainment club, except where such information is required for training employees of the adult entertainment club, use in a law-enforcement process, or as part of an insurance claim regarding the operations of the adult entertainment club.
- E. Every owner shall ensure that any information recorded by a camera or other photographic or recording device installed or used in his or her adult entertainment club is adequately protected, both physically and electronically, against loss, theft, unauthorized access, disclosure, copying, use or modification and ensure that such information is accessible only to him or her, or an operator or designated manager of the adult entertainment club.
- F. Notwithstanding Subsections D and E, the Medical Officer of Health, public health inspectors, peace officers and the Municipal Licensing and Standards Division shall be given access, on demand, to any camera or other photographic or recording device installed or used in the adult entertainment club and may view and copy any information recorded thereon for the purpose of inspection or investigation under this chapter or any other law.
- G. Every applicant for an owner's licence, at the time he or she applies for such licence, or every holder of an owner's licence, upon demand of the Executive Director or her or her designate, shall file a privacy and security plan regarding any cameras or photographic or recording devices installed or used in the adult entertainment club with the Municipal Licensing and Standards Division, which details:
- (1) The measures put in place to restrict access to the information recorded;
 - (2) A reasonable period after which the information recorded shall be destroyed, unless such information is required for the purpose of a lawsuit or insurance claim; and
 - (3) The process by which recorded information will be destroyed or disposed of securely.
- H. At least seven days prior to making any change to the privacy and security plan referred to in Subsection G, an owner must submit a list in writing of the proposed changes to the Executive Director, or his or her designate.

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- I. Before engaging any person to provide services in an adult entertainment club, an owner or operator must provide him or her with notice of the presence, if applicable, of security cameras or other photographic or recording devices installed or used in the adult entertainment club.
- J. Before installing any new camera or other photographic or recording device, or changing the location of an existing camera or other photographic or recording device in an adult entertainment club, its owner or operator must inform each entertainer of such changes, in writing.
- K. Nothing in this section shall preclude an entertainer from using a camera or other photographic or recording device outside of the operating hours of the adult entertainment club for the purpose of recording his or her own performance or practice.

§ 545-389. Unlicensed persons to comply.

Every person shall comply with the provisions of this chapter applicable to him or her whether or not he or she is licensed under this chapter.

§ 545-390. Compliance with other provisions.

Notwithstanding any provision in this article, nothing herein permits the contravention of any provision in this chapter or in any other by-law of City Council.

§ 545-391. Number of owners' licences restricted.

The number of owners' licences which may be granted by the Municipal Licensing and Standards Division in respect of adult entertainment clubs shall be limited to 63.

§ 545-392. Owners and operators not to permit entertainers to have physical contact with other persons.

No owner, operator or designated manager of an adult entertainment club shall:

- A. Permit any entertainer to touch, sit on, rest on or make any physical contact with the covered, partially covered or uncovered breasts, buttocks, genital, pubic, anal or perineal areas of a patron or other person when providing services at the adult entertainment club.
- B. Permit any patron to touch, sit on, rest on or make any physical contact with the covered, partially covered or uncovered breasts, buttocks, genital, pubic, anal or perineal areas of any entertainer or other employee.

§ 545-393. Patrons not to have physical contact with other persons.

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[Added 2013-07-19 by By-law 1015-2013¹²²]

No patron of an adult entertainment club shall touch, sit, or rest on, or make any physical contact with the covered, partially covered, or uncovered breasts, buttocks, genital, pubic, anal and perineal areas of any entertainer or any other person.

§ 545-394. Entertainers not to have physical contact with other persons.

No entertainer shall touch, sit on, rest on or make any physical contact with the covered, partially covered or uncovered breasts, buttocks, genital, pubic, anal or perineal areas of a patron or any other person when providing services at an adult entertainment club.

§ 545-395. Entertainers to perform only within the designated entertainment area.

- A. No owner, operator or designated manager shall permit services to be provided in any area of the premises other than a designated entertainment area shown on the approved floor plan filed pursuant to § 545-363G or H with the Municipal Licensing and Standards Division.
- B. No owner, operator or designated manager shall permit any portion of the designated entertainment area to be fully obstructed from view.

§ 545-396. Notices to be posted.

- A. Every owner or operator shall post notices in a conspicuous location in all entertainers' dressing or locker rooms, at all public entrances and exits, in the washrooms, and in the designated entertainment area, including each private room, cubicle or booth, in a format approved by the Municipal Licensing and Standards Division that include the following statements:
 - (1) Physical contact with the entertainers' breasts, buttocks, genital, pubic, anal, and perineal areas, as well as other unwanted physical contact is prohibited under Municipal Code Chapter 545, Licensing and may also constitute an assault or sexual assault under the Criminal Code of Canada; and
 - (2) Health Notice: Certain sexually transmitted infections such as herpes and human papilloma virus (HPV) can be passed on through contact with the genitals or skin.

For more information on this or any other sexual health concern, please call the AIDS and Sexual Health InfoLine at 416-338-2437.

For other health or social services information, you may call 211 to be linked to an appropriate service, or contact the Workers Action Centre at 416-531-0778.

¹²² Editor's Note: By-law 1015-2013 renumbered §§ 545-393 to 545-397 as §§ 545-394 to 545-398 and added new § 545-393. By-law 1015-2013 came in effect July 1, 2013.

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- B. Every owner or operator shall post notices in a conspicuous location in all entertainers' dressing or locker rooms and at all public entrances and exits in a format approved by the Municipal Licensing and Standards Division that include the following contact information:
- (1) Municipal Licensing and Standards Division, Complaints and Information Line: 416-392-3082 or toll-free 1-877-868-2947;
 - (2) Toronto Police Services (Non-emergency line): 416-808-2222; and
 - (3) Ontario Ministry of Labour, Health and Safety Centre: 1-877-202-0008.

§ 545-397. Provision of security personnel.

- A. Every owner of an adult entertainment club shall ensure that all security personnel are licensed under the *Private Security and Investigative Services Act* in the Province of Ontario.
- B. Every owner of an adult entertainment club shall ensure that all security personnel wear identification or clothing by which they can readily be identified as security personnel while on duty.

§ 545-398. Transitional provisions.

Every owner of an adult entertainment club shall comply with the provisions of this by-law with respect to the construction of private rooms, booths, or cubicles, the provision of security personnel, and the installation of an alert system or signalling device no later than March 1, 2014.

ARTICLE XXXIII
(Reserved)¹²³

§§ 545-399 to 545-414. (Reserved)

ARTICLE XXXIV

Plumbing Contractors, Plumbers, Master Plumbers, Drain Contractors and Drain Layers

§ 545-415. Examination of applicants for drain layer's licence; certification of applicants for master plumber's licence.

[Amended 2009-12-04 by By-law 1247-2009¹²⁴]

¹²³ Editor's Note: Former Art. XXXIII, Electrical Contractors and Master Electricians, comprised of §§ 545-399 through 545-414, was repealed May 27, 2009 by By-law 609-2009.

¹²⁴ Editor's Note: This by-law corrects a drafting error pertaining to By-law 609-2009, adopted May 27, 2009, which inadvertently repealed the examination fee and reporting requirements for the examination of drain layers. By-law 1247-2009 provided that it comes into force May 27, 2009.

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- A. Every applicant for a master plumber's licence shall submit to the Executive Director, Municipal Licensing and Standards Division, a certificate of qualification issued by the Province of Ontario.
- B. Every applicant for a drain layer's licence who does not hold a certificate of qualification as a plumber shall be examined by an Examining Panel, as hereinafter constituted, on his or her knowledge of the provisions of this chapter and of all relevant codes and standards relating to the laying of drains.
- C. Before being examined, the applicant shall pay to the Municipal Licensing and Standards Division the prescribed examination fee.
- D. The Examining Panel shall report the result of each examination to the Municipal Licensing and Standards Division.

§ 545-416. Examining Panel.

[Amended 2009-05-27 by By-law 609-2009]

- A. The Executive Director, Municipal Licensing and Standards Division, is authorized to establish Examining Panels and select members from a pool of qualified examiners, as required, in accordance with the following criteria:

The Examining Panel shall consist of:

- (1) A chair who is conversant with the skills and has the knowledge required to exercise the several trades, businesses or occupations to which this article relates, and is familiar with the pertinent legislation concerning the same; and
 - (2) Two persons who shall be qualified as licensed master plumbers with at least 10 years' experience as master tradesmen, or as persons who teach such trade in a trade school in the Province of Ontario.
- B. The members of the Examining Panel shall be selected to serve for 18 months, and until their successors are selected, and shall be eligible for re-selection and shall be paid such salary or other remuneration as may be fixed by City Council.
 - C. For the purpose of an examination, two members of the Panel shall constitute a quorum.

§ 545-417. Plumbing and drain contractors to have regular place of business; minimum age.

No person shall be licensed as a plumbing contractor or as a drain contractor unless he or she has a regular place of business and, if other than a corporation, is of the full age of 18 years.

§ 545-418. Notification upon change of address.

In addition to furnishing any information required under this chapter, every applicant for a plumbing contractor's licence or for a drain contractor's licence shall in his or her application

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truly and accurately set out the mailing address of his or her proposed business premises, and every holder of such a licence shall notify the Municipal Licensing and Standards Division in writing within 48 hours of any change in his or her business address.

§ 545-419. Drain contractors and drainlayers to provide itemized account.

Every drain contractor and drainlayer shall, before receiving payment from any person for work done or material supplied, give to such person an itemized account setting out the hours worked and the materials supplied with the respective charges therefor.

§ 545-420. Identification of vehicles used by plumbing and drain contractors; advertisements.

- A. Every plumbing contractor shall ensure that:
- (1) All vehicles used by him or her in the course of business bear on both sides of each such vehicle letters and figures not less than 10 centimetres in height and clearly legible at a distance of six metres the words, "Toronto Licence No." followed by the number of the licence issued under this chapter to such contractor; and
 - (2) All stationery, forms, bills, invoices, statements and any other printed or written advertising material including any published advertisement in a newspaper, periodical, directory or other publication used by such contractor in the course of such business bear in clearly legible letters and figures the same inscription.
- B. Every drain contractor shall ensure that:
- (1) All vehicles used by him or her in the course of business bear on both sides of each such vehicle letters and figures not less than 10 centimetres in height and clearly legible at a distance of six metres the words, "Toronto Licence No." followed by the number of the licence issued under this chapter to such contractor; and
 - (2) All stationery, forms, bills, invoices, statements and any other printed or written advertising material including any published advertisement in a newspaper, periodical, directory or other publication used by such contractor in the course of such business bear in clearly legible letters and figures the same inscription.
- C. For purposes of this section, any reference to the number of a licence shall mean the trade number that is issued to a licensee by the Municipal Licensing and Standards Division to identify the particular trade or type of business that is licensed.

§ 545-421. Reserved.¹²⁵

¹²⁵ Editor's Note: Former § 545-421, Re-examination of master plumbers upon failure to renew licence, was repealed May 27, 2009 by By-law 609-2009.

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§ 545-422. Authority of Executive Director to require re-examination.

[Amended 2009-05-27 by By-law 609-2009]

The Executive Director or his or her designate may require any person to whom this article relates to sit for a re-examination by the Examining Panel but not more than once in a five-year period.

§ 545-423. Plumbers to be licensed; apprentices.

- A. Save as provided by Subsections B and C hereof, no plumbing contractor or master plumber shall cause or permit any person not licensed under this chapter as a master plumber or a holder of Certificate of Qualification, Plumbing, Province of Ontario, to do or perform or assist in the doing or performing of any plumbing or plumbing work.
- B. Notwithstanding Subsection A, a plumbing contractor or master plumber who employs a helper or one or more persons registered with the Ministry of Training, Colleges and Universities of the Province of Ontario as an indentured apprentice in the plumbing trade (and hereafter referred to as "apprentices") may permit such helper, apprentice, or apprentices to assist in the doing or performing of plumbing or plumbing work, provided each such helper or apprentice, while so engaged, is in the constant presence of and under the direct continuous personal supervision of a licensed master plumber or a holder of Certificate of Qualification, Plumbing, Province of Ontario, continuously employed on the same job or contract.
- C. No master plumber or holder of Certificate of Qualification, Plumbing, Province of Ontario, shall have under his or her direct, personal supervision as an assistant under Subsection B above more than one helper or apprentice plumber at any one time.

§ 545-424. Requirements for plumbing contractor's licence; work to be supervised by master plumber.

- A. No person other than a licensed master plumber or the regular full-time employer of a licensed master plumber may be issued a plumbing contractor's licence or may continue to hold such licence.
- B. No licensed contractor shall perform or permit to be performed any plumbing work that is not under the direct, personal supervision of a master plumber.

§ 545-425. Employment of master plumbers by plumbing contractors.

- A. No master plumber shall act as such for more than one plumbing contractor at one time.
- B. A master plumber shall notify the Municipal Licensing and Standards Division forthwith upon ceasing to act as a master plumber for one plumbing contractor or employer and upon commencing to act as a master plumber for another plumbing contractor or employer, and such master plumber shall, within seven days after so changing his or her employment, personally attend at the offices of the Municipal Licensing and Standards Division and

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produce his or her licence to have such change of employment noted and endorsed thereon.
[Amended 2012-02-07 by By-law 206-2012]

- C. No plumbing contractor shall employ a master plumber as such unless and until such plumbing contractor's name has been endorsed on such master plumber's licence as his or her employer in accordance with Subsection B hereof, and no master plumber shall commence work with any plumbing contractor or other employer until his or her licence has been so endorsed.

§ 545-426. Reserved.¹²⁶

ARTICLE XXXV

Heating Contractors, Master Steam and Hot Water Heating Installers, and Master Warm Air Heating Installers

§ 545-427. Heating contractors to have regular place of business; minimum age.

No person shall be licensed as a heating contractor unless he or she has a regular place of business and, if other than a corporation, is of the full age of 18 years.

§ 545-428. Notification of business address.

In addition to furnishing any information required of him or her under this chapter, every applicant for a heating contractor's licence shall, in his or her application, truly and accurately set out the mailing address of his or her proposed business premises, and every holder of such licence shall notify the Municipal Licensing and Standards Division in writing within two days of any change of his or her business address.

§ 545-429. Identification of vehicles used by heating contractors; advertisements.

- A. Every heating contractor shall ensure that:
- (1) All vehicles used by him or her in the course of business bear on both sides of each such vehicle in letters and figures not less than 10 centimetres in height and clearly legible at a distance of six metres the words "Toronto Licence No." followed by the number of the licence issued by the Municipal Licensing and Standards Division to such contractor; and
 - (2) All stationery, forms, bills, invoices, statements and any other printed or written advertising material, including any published advertisement in a newspaper, periodical, directory or other publication, used by such contractor in the course of such business bear in clearly legible letters and figures the same inscription.

¹²⁶ Editor's Note: Former § 454-426, Maintenance master plumber, was repealed May 19, 2005 by By-law 372-2005.

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- B. For purposes of this section, any reference to the number of a licence shall mean the trade number that is issued to a licensee by the Municipal Licensing and Standards Division to identify the particular trade or type of business that is licensed.

§ 545-430. Licence required; work by helpers or unlicensed persons.

- A. Save as provided by Subsections A and B hereof, no heating contractor or master steam and hot water installers, or master warm air heating installer shall cause or permit any person not licensed under this chapter as a master steam and hot water heating installer, or a holder of Certificate of Qualification, Steam Fitter, Province of Ontario; or warm air heating installer or a holder of Certificate of Qualification, Sheet Metal, Province of Ontario, to do or perform or assist in the doing or performing of any heating work or in the installation of any heating system.
- B. Notwithstanding Subsection A, a heating contractor or master steam and hot water heating installer or master warm air heating installer who employs a helper or other unlicensed person may permit such helper or other unlicensed person to assist in the doing of heating work or in the installation of any heating system; provided each such helper or unlicensed person while so doing is in the constant presence of and under the direct continuous personal supervision of a licensed master steam and hot water heating installer or a holder of Certificate of Qualification, Steam Fitter, Province of Ontario; or warm air heating installer or a holder of Certificate of Qualification, Sheet Metal, Province of Ontario.
- C. No master steam and hot water heating installer or a holder of Certificate of Qualification, Steam Fitter, Province of Ontario; or warm air heating installer or a holder of Certificate of Qualification, Sheet Metal, Province of Ontario, shall have under his or her direct, personal supervision as an assistant under Subsection B above more than one helper or unlicensed person at any one time.

§ 545-431. Requirements for heating contractor's licence; work to be supervised by steam and hot water heating installer or master warm air heating installer.

- A. No person other than a licensed master steam and hot water heating installer or master warm air heating installer or the regular full-time employer of a licensed master steam and hot water heating installer or master warm air heating installer may be issued a heating contractor's licence or may continue to hold such licence.
- B. No heating contractor shall perform or permit to be performed any heating work that is not under the direct, personal supervision of a master steam and hot water heating installer or master warm air heating installer.

§ 545-432. Employment of master steam and hot water heating installer or master warm air heating installer by heating contractors.

- A. No master steam and hot water heating installer or master warm air heating installer shall act as such for more than one heating contractor at one time.

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- B. Any person licensed under this chapter as a master steam and hot water heating installer or as a master warm air heating installer shall notify the Municipal Licensing and Standards Division forthwith upon ceasing to act as such for one heating contractor or employer and, upon commencing to act as such for another heating contractor or employer, such licensee shall, within seven days after changing his or her employment, personally attend at the offices of the Municipal Licensing and Standards Division and produce his or her licence to have such change of employment noted and endorsed thereon.
- C. No heating contractor shall employ a master steam and hot water heating installer or master warm air heating installer as such unless and until such heating contractor's name has been endorsed on such master steam and hot water heating installer's or master warm air heating installer's licence as his or her employer, in accordance with Subsection B hereof, and no master steam and hot water heating installer or master warm air heating installer shall commence work with any heating contractor or other employer until his or her licence has been so endorsed.

ARTICLE XXXVI

**Chimney Repairmen; Persons Renovating Buildings; Construction of Radiation
Fall-Out Shelters**

§ 545-433. Examination of applicants.

- A. Every applicant for a chimney repairman's licence and every applicant for a licence to engage in the business of altering, repairing or renovating buildings or structures or constructing radiation fall-out shelters shall be examined by the Examining Panel as hereinafter constituted touching the provisions of this chapter and of all relevant codes and standards relating to the repair of chimneys or the type of business for which he or she requires a licence, and his or her licence, if granted, shall be so endorsed to show the work for which he or she has qualified and is entitled to carry on under the said licence.
[Amended 2009-05-27 by By-law 609-2009]
- B. Before being examined, the applicant shall pay to the Municipal Licensing and Standards Division the prescribed examination fee.
- C. The Examining Panel shall report the result of each examination to the Municipal Licensing and Standards Division. **[Amended 2009-05-27 by By-law 609-2009]**

§ 545-434. Examining Panel.

[Amended 2009-05-27 by By-law 609-2009]

- A. The Executive Director, Municipal Licensing and Standards Division, is authorized to establish Examining Panels and select members from a pool of qualified examiners, as required, in accordance with the following criteria:

The Examining Panel shall consist of:

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- (1) A chair who is conversant with the skills and has the knowledge required to exercise the several trades, businesses or occupations to which this article relates, and is familiar with the pertinent legislation concerning the same; and
 - (2) No fewer than two persons and no more than four persons, who have each had no less than 10 years' experience in the building, renovating or general contracting business, or a person who teaches architectural trades and in a trade school of the province of Ontario.
- B. The members of the Examining Panel shall be selected to serve for terms of 18 months, and until their successors are selected, and shall be eligible for re-selection and shall be paid such salary or other remuneration as may be fixed by City Council.
- C. For the purpose of an examination, two members of the Panel shall constitute a quorum.

§ 545-435. Regular place of business required; minimum age.

No person shall be licensed as a building renovator unless he or she has a regular place of business and, if other than a corporation, is of the full age of 18 years.

§ 545-436. Notification upon change of address.

In addition to furnishing any information required under this chapter, every applicant for a chimney repairman's or building renovator's licence shall, in his or her application, truly and accurately set out his or her mailing address of his or her proposed business premises, and every holder of such a licence shall notify the Municipal Licensing and Standards Division in writing within 48 hours of any change of his or her business address.

§ 545-437. Identification of vehicles used by building renovators; advertisements.

- A. Any building renovator shall ensure that:
- (1) All vehicles used by him or her in the course of business bear on both sides of each such vehicle in letters and figures not less than 10 centimetres in height and clearly legible at a distance of six metres the words "Toronto Licence No." followed by the number of the licence issued by the Municipal Licensing and Standards Division to such contractor.
 - (2) All stationery, forms, bills, invoices, statements and any other printed or written advertising material, including any published advertisements in a newspaper, periodical, directory or other publication used by such chimney repairman or building renovator in the course of such business, bear in clearly legible letters and figures the same inscription.
- B. For purposes of this section, any reference to the number of a licence shall mean the trade number that is issued to a licensee by the Municipal Licensing and Standards Division to identify the particular trade or type of business that is licensed.

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§ 545-438. Re-examination upon failure to renew licence.

[Amended 2009-05-27 by By-law 609-2009]

- A. Where a person previously licensed as a chimney repairman or a building renovator does not renew his or her licence for two consecutive years, the Executive Director or his or her designate may require such person to be re-examined by the Examining Panel before receiving a licence.
- B. Where a person previously licensed as a chimney repairman or a building renovator does not renew his or her licence for three or more consecutive years, such person shall be examined by the Examining Panel before receiving a licence.

§ 545-439. Authority of Executive Director to require re-examination.

[Amended 2009-05-27 by By-law 609-2009]

The Executive Director or his or her designate may require any person to whom this article relates to sit for a re-examination by the Examining Panel but not more than once in a five-year period.

§ 545-440. Use of trade names.

A person licensed as a building renovator may carry on business under a trade name or name other than his or her own but shall not carry on business under more than one name, and only one licence shall be issued.

§ 545-441. Building renovator to ensure work done by licences workers.

- A. No person carrying on business as a building renovator shall perform any type of work as a building renovator unless his or her licence is endorsed to show that he or she has qualified to perform the type of work being done or he or she has in his or her employ, throughout the performance of the work, a person who is licensed as a building renovator and whose licence is endorsed to show that he or she has qualified to perform such work.
- B. No building renovator shall employ any person other than a licensed chimney repairman to do chimney repair work.

§ 545-442. Regulations concerning building renovators; written contracts.

Every person licensed or required to be licensed under this chapter as a building renovator shall observe or cause to be observed the following regulations:

- A. Before commencing any work, a building renovator shall enter into a written contract with the person for whom the work is to be performed to be signed by the renovator and such person and to be in the form attached hereto as Appendix I located at the end of this chapter.

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- B. No other work shall be done by such building renovator as an extra or otherwise unless and until a further contract on the same form covering such other work has been entered into in like manner between the parties.
- C. The building renovator shall complete the form of contract in as much detail as may be practical as to the quality and quantity of material and the number of hours of labour involved and the rate thereof and as to all other dimensions and measurements relating to the work to be done.
- D. A building renovator shall upon request furnish to the person for whom the work has been done an itemized and detailed written bill concerning such work within 24 hours.
- E. The contract shall not contain any clause or provisions except those contained in Appendix I located at the end of this chapter without the express approval of the Executive Director or his or her designate, and the building renovator shall not enter into any collateral or supplemental agreement or arrangement whose terms are repugnant to or inconsistent with the contract.

ARTICLE XXXVII
Private Parking Enforcement Agencies

§ 545-443. Definitions.

As used in this article, the following terms shall have the meanings indicated:

AGENCY - A private parking enforcement agency licensed or required to be licensed under this chapter.

DESIGNATED MANAGER - A person designated to maintain control over the management and operations of an agency in accordance with § 545-445 of this article.

ISSUANCE OF A DOCUMENT- Shall include: to personally hand a document to the vehicle owner or driver, to leave a document on the vehicle with the intention that the vehicle owner will recover it, to mail it to the vehicle owner, or to cause the document to be delivered to the vehicle owner in any other fashion. **[Added 2004-07-22 by By-law 725-2004]**

OCCUPANT:

- A. The tenant of the property or part thereof, whose consent shall extend only to the control of the land held by such tenant and any parking spaces allotted to such tenant under the lease or tenancy agreement;
- B. The spouse or same-sex partner of the tenant; or
- C. A person authorized in writing by an occupant as defined in Subsection A or B of this definition to act on the occupant's behalf to request parking enforcement services.

OWNER (when used in relation to property):

- A. The registered owner of the property;

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- B. The registered owner of a condominium unit, whose consent shall extend only to the control of the owner's unit and any parking spaces allotted to the owner's unit and any parking spaces allotted to the owner by the condominium corporation or reserved for the owner's exclusive use in the declaration or description of the property;
- C. The spouse or same-sex partner of a person described in Subsection A or B of this definition;
- D. Where the property is included in a description registered under the Condominium Act, the board of directors of the condominium corporation; or
- E. A person authorized in writing by the owner as defined in this section to act on the owner's behalf to request parking enforcement services.

OWNER (when used in relation to a vehicle) - The registered owner of the vehicle and any person authorized by such owner to exercise control over the vehicle.

PRIVATE PARKING ENFORCEMENT COURSE - The private parking enforcement course approved by the Chief of Police of the Toronto Police Service.

VEHICLE POUND - Any motor vehicle pound, motor vehicle body shop, public garage or any other yard, shop, building or place used for the storage or holding of any vehicle removed or caused to be removed from private property without the consent of the owner of the vehicle.

WARNING NOTICE - Any document that provides or is intended to provide notification to a vehicle owner or driver that a City of Toronto penalty notice or Toronto Police Service tow card may be issued to that vehicle. [Added 2015-07-09 by By-law 804-2015¹²⁷; amended 2017-07-07 by By-law 797-2017¹²⁸]

§ 545-444. Private parking enforcement course to be completed.

- A. Every person applying for, or holding, a licence as an agency shall employ one or more municipal law enforcement officers who have successfully completed the private parking enforcement course, and shall ensure that parking enforcement activities are only undertaken by municipal law enforcement officers. [Amended 2004-07-22 by By-law 725-2004]
- B. For the purposes of Subsection A of this section, the designated manager of an applicant for a licence as an agency shall be deemed to be an applicant for a licence.

§ 545-445. Designation of manager; control over management and operations to be delegated.

- A. Every agency which is an individual person shall maintain control over the management and operations of his or her agency and shall not delegate this responsibility.

¹²⁷ Editor's Note: By-law 804-2015 came into force September 1, 2015.

¹²⁸ Editor's Note: By-law 797-2017 came into effect August 28, 2017.

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- B. Every agency which is a partnership shall designate one of the partners who is an individual person to be responsible for maintaining control over the management and operations of the agency on behalf of the partnership, and such partner shall not delegate this responsibility.
- C. Every agency which is a corporation shall designate one of its officers or employees to be responsible for maintaining control over the management and operations of the agency on behalf of the corporation, and such officer or employee shall not delegate this responsibility.
- D. Every agency required by this section to designate a person to be responsible for maintaining control over the management and operations of an agency shall make such designation by means of a notice of designated manager, signed by or on behalf of the said licensed agency and by the person so designated, showing the business address of each of them, on a form provided by the Municipal Licensing and Standards Division.
- E. When any person designated by an agency, as shown on a notice of designated manager filed with the Municipal Licensing and Standards Division under this section, ceases to have control over the management and operations of the agency, the agency shall file with the Municipal Licensing and Standards Division a new notice of designated manager within three days of the date upon which the cessation of control occurred.
- F. Every person designated by an agency in accordance with this section shall have successfully completed the private parking enforcement course. **[Amended 2004-07-22 by By-law 725-2004]**

§ 545-446. Annual return to be filed.

- A. Every agency which is a partnership or corporation shall file with the Municipal Licensing and Standards Division an annual return on a form supplied by the Municipal Licensing and Standards Division each year prior to the renewal of such agency's licence.
- B. Where the shares in a corporate agency are held in whole or in part by another corporation, such other corporation shall file with the Municipal Licensing and Standards Division at the same time as the corporate agency an annual return as provided in Subsection A of this section, and if such return discloses that the shares in such other corporation are in turn held in whole or in part by a third corporation, then such third corporation shall likewise file an annual return, and so on until the names of living persons not being corporations are shown and identified as the shareholders of any and all corporations having an interest in the agency.

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§ 545-447. Agencies which are corporations or partnerships.

- A. Every agency which is a corporation shall forthwith notify the Municipal Licensing and Standards Division in writing of all transfers of existing shares and of the issue of all new shares of the capital stock of the corporation.
- B. Every agency which is a partnership shall forthwith notify the Municipal Licensing and Standards Division in writing of any changes in the membership of the partnership.
- C. Where, as a result of changes in the membership of a partnership or the transfer of existing shares or by the issue of new shares of a corporation, the Municipal Licensing and Standards Division has reasonable grounds to believe that the partnership or corporation may not be entitled to the continuation of its licence in accordance with this chapter, a hearing may be held before the Toronto Licensing Tribunal to determine whether the licence shall be revoked or have conditions placed on it.
- D. Where the controlling interest in a partnership or corporation which is an agency is sold, transferred or acquired, the licence issued to the corporation or partnership shall be terminated forthwith, and the Municipal Licensing and Standards Division may, subject to the provisions of this chapter, issue a new licence upon payment of the prescribed fee.

§ 545-448. List of properties to be filed with Parking Enforcement Unit.

- A. Every agency shall file with the Parking Enforcement Unit a list of all properties at which such agency provides parking enforcement services.
- B. The list required to be filed in accordance with Subsection A of this section may not be altered or amended unless 10 days' prior notice of such alteration or amendment is given, in writing, to the Parking Enforcement Unit.
- C. No agency shall provide parking enforcement services at any property unless such property is listed on the list required to be filed under Subsection A of this section.

§ 545-449. Regulations concerning agreements with properties.

- A. No agency shall provide parking enforcement services at any property unless the agency has entered into a written agreement with the owner or occupant of such property, which agreement shall state:
 - (1) That no fee, commission, gift or other consideration shall be paid or given by the agency to an owner or occupant of the property in return for permitting such agency to provide or perform parking enforcement services;
 - (2) That the agency shall not demand or receive any financial incentive from the owner or occupant of the property based on the number of vehicles against which such agency takes parking enforcement action;
 - (3) The names and business addresses of all parties thereto;
 - (4) Its effective date; and

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- (5) Its termination date, if any.
- B. Reserved.¹²⁹
- C. Reserved.
- D. Every agency shall notify the Toronto Police Service Parking Enforcement Unit in writing of the expiration or other sooner termination of any agreement to which such agency is a party or of any change in such agreement, within 10 days thereof. **[Amended 2015-07-09 by By-law 804-2015¹³⁰]**
- E. A written agreement shall be filed with the Toronto Police Service Parking Enforcement Unit within 10 days of the date at which the agreement or the exercise of any rights or obligations pursuant thereto becomes effective, whichever occurs first. **[Amended 2015-07-09 by By-law 804-2015¹³¹]**
- F. Every agency shall, prior to the renewal of its licence, file with the Municipal Licensing and Standards Division a statutory declaration, in a form provided by the Division, stating that the agency has reviewed all of the agreements to which such agency is a party and that such agreements comply with all of the provisions of this chapter.

§ 545-450. Pre-conditions to removal of vehicles.

- A. Every agency shall ensure that no person employed, engaged or otherwise acting under such agency's authority removes or causes to be removed any vehicle parked on private property without the consent of the owner of the vehicle unless:
- (1) Signs are posted at the property from which the vehicle is to be removed in accordance with the applicable by-law of the City of Toronto enacted pursuant to the Municipal Act, 2001, or its predecessor; **[Amended 2004-07-22 by By-law 725-2004]**
 - (2) Subject to Subsection B of this section, a penalty notice has first been issued and served in accordance with Chapter 610, Penalties, Administration of; and **[Amended 2017-07-07 by By-law 797-2017¹³²]**
 - (3) All pre-conditions to the removal of vehicles contained in any applicable by-law of the City of Toronto enacted pursuant to the Municipal Act, 2001, or its predecessor, have been complied with, including, but not limited to, any waiting periods prescribed by such by-laws. **[Amended 2004-07-22 by By-law 725-2004]**
- B. Subsection A(2) does not apply to vehicles which do not bear a number plate issued under the Highway Traffic Act, as amended.

¹²⁹Subsections 545-449B and C were deleted by By-law 804-2015 which came into force September 1, 2015.

¹³⁰Editor's Note: By-law 804-2015 came into force September 1, 2015.

¹³¹Editor's Note: By-law 804-2015 came into force September 1, 2015.

¹³²Editor's Note: By-law 797-2017 came into effect August 28, 2017.

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- C. No person employed, engaged or otherwise acting under the authority of an agency shall issue any document, tag, ticket or notice, or request or demand for payment in relation to vehicles parked on private property, other than: **[Added 2004-07-22 by By-law 725-2004; amended 2015-07-09 by By-law 804-2015¹³³]**
- (1) a penalty notice under Chapter 610, Penalties, Administration of; **[Amended 2017-07-07 by By-law 797-2017¹³⁴]**
 - (2) a Toronto Police Service tow card; and
 - (3) a warning notice.
- D. Every agency shall ensure compliance with § 545-450C. **[Added 2015-07-09 by By-law 804-2015¹³⁵]**

§ 545-450.1. Restraining and immobilizing vehicles prohibited.

[Added 2015-07-09 by By-law 804-2015¹³⁶]

No person employed, engaged or otherwise acting under the authority of an agency shall restrain or immobilize a vehicle in any manner whatsoever and every agency shall ensure compliance with this section.

§ 545-451. Commissions prohibited.

- A. No agency shall pay or provide, directly or indirectly, any fee, commission, gift or other consideration to an owner or occupant of property in return for permitting such agency to provide or perform parking enforcement services.
- B. No agency shall demand or receive, directly or indirectly, any fee, commission, gift or other consideration from any person who owns or has an interest in any business providing towing services, in return for permitting or authorizing such business to tow a vehicle parked on private property without the consent of the owner or occupant of the property.
- C. No agency shall demand or receive, directly or indirectly, any fee, commission, gift or other consideration from any person who owns or has an interest in any vehicle pound, in return for permitting or authorizing a vehicle parked on private property without the consent of the owner or occupant of the property to be towed to, or stored at, such vehicle pound.
- D. No agency shall permit any business which provides towing services or any vehicle pound to demand, request, accept or receive, directly or indirectly, from the owner of a vehicle

¹³³ Editor's Note: By-law 804-2015 came into force September 1, 2015.

¹³⁴ Editor's Note: By-law 797-2017 came into effect August 28, 2017.

¹³⁵ Editor's Note: By-law 804-2015 came into force September 1, 2015.

¹³⁶ Editor's Note: By-law 804-2015 came into force September 1, 2015.

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removed or towed by or under the direction of such agency, any fee for the parking enforcement services provided by such agency to the owner or occupant of such property.

ARTICLE XXXVIII

§§ 545-452 to 545-471. Reserved.¹³⁷

ARTICLE XXXIX

§§ 545-472 to 545-491. Reserved.¹³⁸

ARTICLE XL

Temporary Sign Providers
[Added 2005-07-21 by By-law 698-2005¹³⁹]

§ 545-492. Policy of insurance; certified copy or certificate.

- A. Every temporary sign provider shall procure a policy of insurance in at least the amount of \$2,000,000.00 (exclusive of interest and costs) comprehensive against loss or damage resulting from bodily injury to or the death of one or more persons, or from loss or damage to property resulting from any accident.
- B. The policy of insurance shall:
 - (1) Provide for cross-liability and severability of interest;
 - (2) Be endorsed to the effect that the Municipal Licensing and Standards Division will be given at least 10 days' written notice of any cancellation, expiration or variation in the amount of the policy; and
 - (3) Name the City of Toronto as an additional insured.
- C. A certified copy or certificate of the policy of insurance shall be deposited with the Municipal Licensing and Standards Division.

ARTICLE XLI

Entertainment Establishment/Nightclub
[Added 2006-02-02 by By-law 20-2006]

§ 545-493. Definitions.

As used in this article, the following terms shall have the meanings indicated:

¹³⁷ Editor's Note: The Province of Ontario has passed the Traditional Chinese Medicine Act S.O. 2006, to regulate the practice of Traditional Chinese Medicine and Acupuncture as a Regulated Health Profession, which removed the need for municipal regulation of these professions. Article XXXVIII was repealed July 14, 2011 by By-law 982-2011.

¹³⁸ Editor's Note: Art. XXXIX, Owners and Drivers of Limousines and Limousine Service Companies, was repealed by By-law 575-2016 effective July 14, 2016. By-law 575-2016 also enacted (new) Chapter 546, Licensing of Vehicles-For-Hire.

¹³⁹ Editor's Note: This by-law stated that it comes into force 60 days after enactment (September 20, 2005).

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SECURITY GUARD - A person whose exclusive responsibility or duty while engaged or hired by an entertainment establishment/nightclub is to guard or patrol the premises for the purpose of ensuring orderly conduct and protecting persons or property.

§ 545-494. Provision of security guards.

Every owner of an entertainment establishment/nightclub shall ensure that:

- A. At all times while the entertainment establishment/nightclub is open the establishment is staffed with at least one security guard for every 100 patrons in attendance at the premises; and [Amended 2006-03-30 by By-law 216-2006¹⁴⁰]
- B. All security guards wear identification or clothing by which they can readily be identified as security guards.

§ 545-495. Metal detectors.

- A. Every owner shall ensure that each entrance to the entertainment establishment/nightclub is staffed with at least one security guard and is equipped with a metal detector.

§ 545-496. Persons of authority.

- A. Definition.

PERSON OF AUTHORITY - As used in this section, means a person authorized by the owner of an entertainment establishment/nightclub to operate, manage, supervise, run or control the establishment.

- B. Every owner of an entertainment establishment/nightclub shall:
 - (1) At the time of application for an entertainment establishment/nightclub owner's licence or the renewal thereof, or at the request of the Municipal Licensing and Standards Division at any time during the term of the licence, file with the Municipal Licensing and Standards Division a list of all persons of authority for the establishment, including current contact information for each person on the list;
 - (2) Notify the Municipal Licensing and Standards Division in writing forthwith upon any change in the names or contact information contained on the list filed with the Municipal Licensing and Standards Division; and
 - (3) Designate at least one person named on the list filed with the Municipal Licensing and Standards Division to be on the premises at all times when the entertainment establishment/nightclub is open.

§ 545-497. Noise control and crowd control plan.

At the time of application for an entertainment establishment/nightclub licence and at each renewal thereof, or at the request of the Municipal Licensing and Standards Division at any time

¹⁴⁰ Editor's Note: This by-law came into force February 2, 2006.

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during the term of the licence, every owner shall file with the Municipal Licensing and Standards Division:

- A. A noise control plan which includes a description of:
 - (1) The maximum volume levels for music within the establishment;
 - (2) The wattage of the music or sound-producing systems used in the establishment; and
 - (3) The sound insulation methods or mechanisms used within the building.
- B. A crowd control plan which includes a description of the manner in which people seeking entry or re-entry into the establishment may line up outside of the establishment prior to entry, including the location of such line ups, the maximum number of people permitted to be in such line ups, and the procedures used by the establishment to monitor the line ups, to control the number of people in the line ups, and to ensure orderly conduct by the people in the line ups.
- C. No owner shall operate, or permit to be operated, his or her entertainment establishment/nightclub except in accordance with the noise control plan and crowd control plan filed in accordance with this section.

§ 545-498. Litter control.

Every owner of an entertainment establishment/nightclub shall ensure that all areas immediately adjacent to the establishment are clean and free of litter, waste and other debris and shall install and maintain containers for the deposit of litter, waste and other debris. **[Amended 2017-04-28 by By-law 426-2017¹⁴¹]**

§ 545-499. Policy of insurance; certified copy or certificate.

- A. Every owner shall, in respect of each entertainment establishment/nightclub for which he or she holds a licence, procure a policy of insurance endorsed to the effect that the Municipal Licensing and Standards Division will be given at least 10 days' notice in writing of any cancellation, expiration or variation in the amount of the policy, insuring:
 - (1) In at least the amount of \$2,000,000 (exclusive of interest and costs) comprehensive against loss or damage resulting from bodily injury to or death of one person;
 - (2) In at least the amount of \$2,000,000 (exclusive of interest and costs) against loss or damage resulting from bodily injury or the death of two or more people in any one accident; and
 - (3) In at least the amount of \$25,000 (exclusive of interest and costs) against loss or damage to property resulting from any one accident.

¹⁴¹ Editor's Note: By-law 426-2017 came into force May 1, 2017.

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- B. A certified copy or certificate of the policy of insurance shall be deposited with the Municipal Licensing and Standards Division.

ARTICLE XLII
Clothing Drop Box
[Added 2006-09-27 by By-law 800-2006¹⁴²]

§ 545-500. Definitions.

As used in this article, the following terms shall have the meanings indicated:

CHARITY - A registered charity, as defined in subsection 248(1) of the Income Tax Act, R.S.C. 1985, c. 1 (5th Supp.), or successor legislation, that has a registration number issued by the Canada Revenue Agency, or successor agency.

COMMUNITY ORGANIZATION - A non-profit group of persons organized for the advancement of activities of a civic, cultural or recreational nature.

OPERATOR - An operator of a clothing drop box who is licensed as such or required to be licensed as such under this chapter.

RELIGIOUS INSTITUTION - An association of persons that is registered as a charity under the federal Income Tax Act, R.S.C. 1985, c. 1 (5th Supp.), or successor legislation, and is organized for the advancement of religion and for the conduct of religious worship, services or rites.

§ 545-501. Reserved.¹⁴³

§ 545-502. Additional information to be filed with application for operator's licence.

[Amended 2013-05-10 by By-law 599-2013¹⁴⁴]

- A. In addition to any information required to be furnished under this chapter, every applicant for a licence as an operator shall:
- (1) Provide a list of the number and locations of all of his or her clothing drop boxes in the City of Toronto; and
 - (2) For each location at which the operator operates a clothing drop box, provide proof satisfactory to the Executive Director or his or her designate that the operator has permission from the property owner to operate the clothing drop box at that location.
- B. Every operator shall ensure that the information filed under § 545-502A is complete and accurate at all times and shall forthwith notify the Municipal Licensing and Standards Division of any changes to the information filed.

¹⁴² Editor's Note: This by-law came into force January 1, 2007.

¹⁴³ Editor's Note: By-law 599-2013 repealed § 545-501, "Endorsement requirement". This by-law came into force September 1, 2013.

¹⁴⁴ Editor's Note: By-law 599-2013 came into force September 1, 2013.

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§ 545-503. Reserved.¹⁴⁵

§ 545-504. Change or addition of clothing drop box location.

[Amended 2013-05-10 by By-law 599-2013¹⁴⁶]

- A. No operator shall operate a clothing drop box in any location other than the location in respect of which the licence has been issued.
- B. Despite § 545-504A, an operator who wishes to move a clothing drop box may apply for an amendment to the licence issued in respect of such clothing drop box by:
 - (1) Paying the fee prescribed by § 545-507 of this article; and
 - (2) Providing proof satisfactory to the Executive Director or his or her designate that the operator has permission from the property owner to operate the clothing drop box at that location.

§ 545-505. General requirements.

- A. Each operator shall: **[Amended 2013-05-10 by By-law 599-2013¹⁴⁷]**
 - (1) Display the name of the operator in a conspicuous place on the clothing drop box, in lettering no smaller than 100 millimetres x 75 millimetres, and of a contrasting colour;
 - (2) Display the words: "Not a Charity, Community Organization or Religious Institution" immediately below the name of the operator, in lettering no smaller than 80 millimetres x 60 millimetres, and of a contrasting colour;
 - (3) Display the licence number on a conspicuous part of the clothing drop box; and
 - (4) If any of the clothing collected by means of the clothing drop box is used to benefit a charity, community organization or religious institution, immediately below the message described in § 545-505A(2), in lettering no smaller than 80 millimetres x 60 millimetres, and of a contrasting colour, state the amount (as a percentage of sales) dedicated to charities, community organizations or religious institutions.

§ 545-506. Litter control.

Every operator shall ensure that the clothing drop box is clean, in good repair and is free of graffiti and shall ensure that all areas immediately adjacent to the clothing drop box are clean and free of litter, waste and other debris. **[Amended 2017-04-28 by By-law 426-2017¹⁴⁸]**

¹⁴⁵ Editor's Note: By-law 599-2013 repealed § 545-503, "Sticker". This by-law came into force September 1, 2013.

¹⁴⁶ Editor's Note: By-law 599-2013 came into force September 1, 2013.

¹⁴⁷ Editor's Note: By-law 599-2013 renumbered § 545-505A(3) as (4) and added a new (3). This By-law came into force September 1, 2013.

¹⁴⁸ Editor's Note: By-law 426-2017 came into force May 1, 2017.

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§ 545-507. Fees.

- A. Notwithstanding § 545-40 of this chapter, every operator licensed as such under this chapter who applies for an amendment to the licence under § 545-504B, shall pay a fee set out in Chapter 441, Fees and Charges. [Amended 2006-12-06 by By-law 4-2007¹⁴⁹; 2013-05-10 by By-law 599-2013¹⁵⁰]

ARTICLE XLIII
Driveway Paving Contractors
[Added 2011-05-19 by By-law 688-2011]¹⁵¹

§ 545-508. Regular place of business required; minimum age.

No person shall be licensed as a driveway paving contractor unless he or she has a regular place of business and, if other than a corporation, is of the full age of 18 years.

§ 545-509. Notification upon change of address.

In addition to furnishing any information required under this chapter, every applicant for a driveway paving contractor's licence shall, in his or her application, set out the mailing address of his or her proposed business premises, and every holder of such a licence shall notify the Municipal Licensing and Standards Division in writing within 48 hours of any change of his or her business address.

§ 545-510. Identification of vehicles used by driveway paving contractors; advertisements.

- A. Any driveway paving contractor shall ensure that:
- (1) All vehicles used by him or her in the course of business bear on both sides of each such vehicle in letters and figures not less than 10 centimetres in height and clearly legible at a distance of six metres the words "Toronto Licence No." followed by the number of the licence issued by the Municipal Licensing and Standards Division to such contractor.
 - (2) All stationery, forms, bills, invoices, statements and any other printed or written advertising material, including any published advertisements in a newspaper, periodical, directory or other publication used by such driveway paving contractor in the course of such business, bear in clearly legible letters and figures the same inscription.

¹⁴⁹ Editor's Note: This by-law came into force January 1, 2007.

¹⁵⁰ Editor's Note: By-law 599-2013 amended § 545-507A and deleted §§ 545-507B and C. By-law 599-2013 came into force September 1, 2013.

¹⁵¹ Editor's Note: This by-law came into force July 4, 2011.

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- B. For purposes of this section, any reference to the number of a licence shall mean the trade number that is issued to a licensee by the Municipal Licensing and Standards Division to identify the particular trade or type of business that is licensed.

§ 545-511. Use of trade names.

A person licensed as a driveway paving contractor may carry on business under a trade name or name other than his or her own but shall not carry on business under more than one name, and only one licence shall be issued.

§ 545-512. Regulations concerning driveway paving contractors; written contracts.

Every person licensed or required to be licensed under this chapter as a driveway paving contractor shall observe or cause to be observed the following regulations:

- A. Before commencing any work, a driveway paving contractor shall enter into a written contract with the person for whom the work is to be performed. The contract is to be signed by the contractor and such person and the contract is to be in the form attached hereto as Appendix O located at the end of this chapter.
- B. No other work shall be done by such driveway paving contractor as an extra or otherwise unless and until a further contract on the same form covering such other work has been entered into in like manner between the parties.
- C. The driveway paving contractor shall complete the form of contract in as much detail as may be practical as to the quality and quantity of material and the number of hours of labour involved and the rate thereof and as to all other dimensions and measurements relating to the work to be done.
- D. A driveway paving contractor shall upon request furnish to the person for whom the work has been done an itemized and detailed written bill concerning such work within 24 hours.
- E. The contract shall not contain any clause or provisions except those contained in Appendix O located at the end of this chapter without the express approval of the Executive Director or his or her designate, and the driveway paving contractor shall not enter into any collateral or supplemental agreement or arrangement which terms are repugnant to or inconsistent with the contract.

§ 545-513. No work to be conducted without a valid permit.

Every person licensed or required to be licensed under this by-law, shall obtain all permits and approvals required by law prior to the commencement of any work.

§ 545-514. Policy of insurance; certified copy or certificate.

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- A. Every driveway paving contractor shall procure a policy of insurance in at least the amount of \$2,000,000.00 (exclusive of interest and costs) comprehensive against loss or damage resulting from bodily injury to or the death of one or more persons, or from loss or damage to property resulting from any accident.
- B. The policy of insurance shall:
- (1) Provide for cross-liability and severability of interest;
 - (2) Be endorsed to the effect that the Municipal Licensing and Standards Division will be given at least 10 days' written notice of any cancellation, expiration or variation in the amount of the policy; and
 - (3) Name the City of Toronto as an additional insured.
- C. A certified copy or certificate of the policy of insurance shall be deposited with the Municipal Licensing and Standards Division.

ARTICLE XLIV
Personal Services Settings
[Added 2013-05-10 by By-law 629-2013¹⁵²]

§ 545-515. Definitions.

As used in this article, the following terms shall have the meanings indicated:

INSPECTION NOTICE - A notice issued by the Medical Officer of Health to a personal services setting as a result of any inspection conducted pursuant to this chapter and the Health Protection and Promotion Act or the regulations and guidelines made under that Act.

INSPECTION REPORT - A report issued by the Medical Officer of Health to a personal services setting as a result of any inspection conducted pursuant to this chapter and the Health Protection and Promotion Act or the regulations and guidelines made under that Act.

OWNER or OPERATOR - The person or persons who operate or direct the activities carried on within the personal services setting and includes the person or persons actually in charge of the premises, whether or not such person is licensed under this chapter.

¹⁵² Editor's Note: This by-law was passed under the authority of the City of Toronto Act, 2006, S.O. 2006, c. 11, Schedule A. By-law 629-2013 came into force July 1, 2013.

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§ 545-516. Issuance, renewal and endorsements.

- A. The Municipal Licensing and Standards Division shall submit to the Medical Officer of Health every application for a license and for a renewal of a license as an owner or operator, and any report received by the Municipal Licensing and Standards Division in response thereto shall be considered in the determination of whether or not the license should be issued, renewed, refused or have conditions placed on it in accordance with this chapter.
- B. Every owner or operator of a personal services setting shall obtain a license and, at the time of application for a license and at each application for renewal, obtain a separate endorsement of his or her license for every class of personal service provided or offered at the premises in accordance with the following:
 - (1) Any person who owns or operates personal services settings which offer or provide hairstyling shall, after July 1, 2013, be required to obtain a license and endorsement and every application for renewal of a barber shop or hair dressing establishment license after July 1, 2013 shall be deemed to be an application for a personal services setting license, endorsed for hairstyling, and the fee payable for the renewal application shall be the renewal fee for a personal services setting license.
 - (2) Any person who owns or operates personal services settings which offer or provide tattoo, micropigmentation, body piercing, or electrolysis shall obtain a license and endorsement by July 1, 2014.
 - (3) Any person who owns or operates personal services settings which offer or provide manicure and pedicure or aesthetics shall obtain a license and endorsement by July 1, 2015.
- C. Every owner or operator shall notify the Municipal Licensing and Standards Division and the Medical Officer of Health in writing of any change to the operations of the business which may result in a change in the class or classes of personal service provided or offered, at least 30 days prior to the implementation of such change.

§ 545-517. Inspection notices and reports.

- A. Every owner or operator shall keep posted, in a conspicuous place clearly visible to members of the public, at or near the entrance of the premises, the most recent inspection notice issued by the Medical Officer of Health.
- B. Every owner or operator shall, when so requested by any person, produce the inspection report or reports relating to the currently posted inspection notice for such premises.

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§ 545-518. Infection prevention and control - minimum standards.

Every owner or operator shall comply with, and shall ensure compliance with, the following regulations in a manner satisfactory to the Medical Officer of Health:

- A. The premises, and the fixtures and furniture therein, shall be kept in good repair and in a clean and sanitary condition.
- B. All work areas shall be well lighted to facilitate proper cleaning of the work areas and of any equipment and instruments therein, and to prevent injuries.
- C. Every table, mat or other surface upon which persons lie or sit while being given a personal service shall have a smooth top surface of impervious material.
- D. The premises shall have a sink with an adequate supply of hot and cold water, which, when used for cleaning of instruments and equipment, shall be of a type and size adequate for the proper cleaning of such instruments and equipment and which, when used for hand cleaning, shall have:
 - (1) An adequate supply of liquid soap in a suitable container or dispenser;
 - (2) Hot air dryers or individual clean towels for hand drying; and
 - (3) A suitable receptacle for used towels and waste material.
- E. Every personal service worker shall clean his or her hands both before and after providing a personal service, and as necessary to prevent disease transmission.
- F. All instruments and equipment used in the provision of a personal service which are not single use items shall be properly cleaned and disinfected, or cleaned and sterilized, between each use in a manner which, in the opinion of the Medical Officer of Health, is sufficient to prevent disease transmission.
- G. Instruments and equipment which have been cleaned and disinfected or sterilized shall be stored and handled in a manner which prevents contamination.
- H. Notwithstanding any other provision in this chapter, all sharp instruments, including but not limited to needles, syringes, scalpels and razor blades, shall be disposed of in an approved sharps container and the container shall be disposed of as pathological or biomedical waste in accordance with the Environmental Protection Act, the regulations made under that Act, and any other applicable law.
- I. Single use instruments and equipment shall be used on one person only and, unless clearly identified and maintained for subsequent use on that same person only, shall be disposed of immediately upon use.

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- J. Mechanical sterilizers shall be monitored on a regular basis by spore testing and by the use of temperature sensitive indicators, in a manner and upon such schedule as may be determined by the Medical Officer of Health necessary to ensure proper functioning at all times.

§ 545-519. Records.

- A. Every owner or operator shall make the following written records in a form and manner satisfactory to the Medical Officer of Health:
- (1) A record of each use of a mechanical sterilizer, including the date and time of each use, the identity of the individual who performed the sterilization, and for sterilization equipment manufactured such that it is capable of producing such information, the temperature, pressure and duration of the sterilization cycle.
 - (2) A record of all spore testing conducted at the personal services setting, including the date and results of such testing for each sterilizer.
 - (3) A record of all purchases of pre-packaged sterilized items, including the date of purchase, the name of the supplier, and the type, quantity, lot numbers and any expiry date of the items purchased.
 - (4) A record of all body piercing, electrolysis, tattoo and micropigmentation services or procedures performed, including the date on which the service or procedure was performed, the full name of the personal services worker, and the full name, telephone number and address of the customer.
 - (5) A record of all accidental exposures to blood and other body fluids, including the date on which the incident occurred, the site of the injury, the nature and circumstances of the incident, any action taken as a result of the exposure, the full name, address and telephone number of all persons involved in the exposure, and the full names of all personal services workers involved in the incident.
- B. Every owner or operator shall retain the records required to be made under this section for five years and shall keep the records at the premises for the first year.

§ 545-520. Service provider qualifications.

Every owner or operator shall ensure that every personal services worker holds whatever training or qualifications may be required by law.

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§ 545-521. Insurance.

Every owner or operator shall, in respect of each personal services setting which provides or offers tattoo, micropigmentation, body piercing or electrolysis, procure a policy of insurance endorsed to the effect that the Municipal Licensing and Standards Division will be given at least 10 days' notice in writing of any cancellation, expiration or variation in the amount of the policy, and insuring, in at least the amount of \$1,000,000 (exclusive of interest and costs) comprehensive against loss or damage resulting from bodily injury to or the death of one or more persons, or from loss or damage to property resulting from any one accident. A certified copy or certificate of such policy shall be deposited with the Municipal Licensing and Standards Division.

ARTICLE XLV
Commercial Parking Lots
[Added 2015-07-09 by By-law 804-2015¹⁵³]

§ 545-522. Definitions

As used in this article, the following terms shall have the meanings indicated:

OPERATOR - The operator of a commercial parking lot.

§ 545-523. Separate licence required for each commercial parking lot.

Every operator shall take out a separate licence for each commercial parking lot.

§ 545-524. Owners of commercial parking lots to ensure operators are licensed.

No owner of a property shall permit any person to operate a commercial parking lot at such property unless that person holds a commercial parking lot operator's licence under this chapter.

§ 545-525. Operators of commercial parking lots to ensure agencies are licensed.

No operator of a commercial parking lot shall permit any person to conduct parking enforcement services at the commercial parking lot unless that person holds a private parking enforcement agency licence under this chapter or is a Municipal Law Enforcement Officer appointed to operate at that commercial parking lot.

§ 545-526. Information to be provided upon licence application.

Every applicant for a licence to operate a commercial parking lot shall include in his or her application a statement setting forth:

¹⁵³ Editor's Note: By-law 804-2015 came into force September 1, 2015.

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- A. The location and dimensions of the lands in respect of which he or she seeks such licence;
- B. The maximum number of motor vehicles proposed to be parked or stored at the commercial parking lot;
- C. The hours during which such the commercial parking lot shall be open for business;
- D. The location of each proposed entrance to and exit from the commercial parking lot;
- E. The location, size and type of construction of any office proposed to be used or erected at or upon the commercial parking lot; and
- F. If no public garage licence or commercial parking lot licence was issued in respect of a building in the previous year, plans approved by the Ministry of Labour for the Province of Ontario for providing adequate ventilation facilities in the part of the building where motor cars may be stored.

§ 545-527. Regulations concerning agreements with property owners.

- A. No person shall operate a commercial parking lot at a property unless he or she has filed proof, to the satisfaction of the Executive Director, Municipal Licensing and Standards, or his or her designate, that the owner of such property has authorized the operator to do so.
- B. The authorization referred to in Subsection A may be in the form of a letter signed by the owner of such property, or in the form of a copy of an operating agreement to which the operator is party that has been signed by the owner of such property.
- C. Every operator shall notify the Municipal Licensing and Standards Division in writing of any expiration, termination, or change in such authorization within 5 days.

§ 545-528. General requirements of operators of commercial parking lots.

- A. No operator shall store or park or allow to be stored or parked at the commercial parking lot for a period longer than 48 hours any trailer used for human habitation while so stored or parked.
- B. No operator shall employ or permit any person to engage in driving, operating, or moving motor vehicles parked or stored at the commercial parking lot unless that person holds a valid driver's licence under the Highway Traffic Act.
- C. Every operator shall:
 - (1) Provide proper means of ingress and egress to and from the commercial parking lot, to the satisfaction of the Executive Director, Municipal Licensing and

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Standards, or his or her designate; in the case of any commercial parking lot located at a corner lot, no entrance or exit shall be located less than 7.6 metres from the nearest intersection of the curb of the intersecting streets unless, on December 19, 1956, the entrance or exit was properly located less than 7.6 metres from such intersection in accordance with all local by-laws applicable thereto.

- (2) Keep the commercial parking lot free from rubbish and in a clean and neat condition, and keep any sidewalk or street abutting such premises free from any dirt or other foreign substance derived from such premises; and
- (3) Prevent the drainage of surface water across any sidewalk abutting the commercial parking lot.

D. No operator shall:

- (1) Move or cause to be moved any snow from the commercial parking lot to any abutting sidewalk or roadway;
- (2) Park or store any motor vehicle on any highway that abuts the commercial parking lot;
- (3) Use, lend, hire, rent, or cause or permit any employee to use, lend, hire or rent any motor vehicle that has been received for the purpose of parking or storing it upon the commercial parking lot, except for purposes necessarily incidental to parking or storing the vehicle; or
- (4) Permit the engine of a motor vehicle in any building to run, while stationary, unless adequate ventilation is provided to ensure dilution of any fumes.

E. Every operator shall at all times permit the Municipal Licensing and Standards Division to enter a commercial parking lot licensed or required to be licensed under this chapter and make such inspection as may be deemed necessary to ascertain whether or not the provisions of this chapter are being followed.

§ 545-529. Operator to charge time-based rate for parking.

Every operator shall charge a time-based rate for parking, the payment of which shall indicate the operator's unqualified consent for a vehicle to park during that time period, subject to § 545-531 of this article.

§ 545-530. Signage required upon premises.

A. Every operator shall display at each public entrance to the commercial parking lot and at each pay station, so as to be clearly visible to every driver of a vehicle about to enter the premises and any patron paying for parking, identical signs bearing:

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- (1) In letters and figures of a uniform size not less than 7.62 centimetres in height at each public entrance, and not less than 2.54 centimetres in height at each pay station, the rates for parking;
 - (2) In readily legible text, the ways in which patrons may pay for parking;
 - (3) In readily legible text, the hours during which the licensed premises is open for business; and
 - (4) In readily legible text, the operator's name or registered business name and license number, together with a telephone number where a voice message can be left and e-mail address to which inquiries may be directed.
- B. No operator shall issue any demand for payment or private invoice in relation to a vehicle parked at the commercial parking lot unless the signs referred to in Subsection A bear, in letters and figures of a uniform size not less than 3.81 centimetres in height at each public entrance, and not less than 1.905 centimetres in height at each pay station:
- (1) The text, "VEHICLES PARKED WITHOUT PAYMENT OF THE POSTED RATE MAY BE SUBJECT TO A DEMAND FOR PAYMENT"; and
 - (2) The amount of any demand for payment and any associated charge.
- C. Every operator shall file clear photographs of the signage required by this section with the Executive Director, Municipal Licensing and Standards, or his or her designate, prior to posting such signage at the commercial parking lot.
- D. No operator shall post any signage at the commercial parking lot setting out parking rates, charges or conditions, except in accordance with this section.

§ 545-531. Operator deemed not to consent to improperly parked vehicles.

For the purpose of this article and Chapter 915, Parking on Private or Municipal Property, and despite the requirements of §§ 545-529 and 545-530, an operator shall be deemed to not consent to the parking, stopping or standing of any vehicle:

- A. In a marked, designated accessible parking space for which no accessible parking permit is displayed;
- B. In any location where parking is prohibited by the operator and clear signage is posted to indicate such prohibition;
- C. In a designated emergency access or fire route;
- D. That is occupying more than one parking space;
- E. That is preventing other vehicles from entering or exiting the licensed premises; or

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- F. That does not bear vehicle license plates.

§ 545-532. Duty to provide attendant or maintain automatic payment systems.

- A. Every operator, except in the case of a metered or automatically controlled parking lot, or where payment for parking can be made through a mobile application, shall ensure that an attendant is on duty at all times during business hours to provide patrons an opportunity to pay for parking.
- B. Every operator, in the case of a metered or automatically controlled parking lot, or where payment for parking can be made through a mobile application, shall ensure that all devices and systems used to accept payment for parking are maintained in good working order at all times to provide patrons an opportunity to pay for parking.

§ 545-533. Duty to provide parking receipt.

- A. Every operator shall, at the time of receiving each motor vehicle for the purpose of parking or storing it upon the commercial parking lot, provide each customer a numbered receipt bearing on the same side as the number:
- (1) A clear statement of the extent of responsibility accepted by the operator with respect to loss of, or damage to, such motor vehicle and its contents while the vehicle is parked, stored or otherwise in the care and custody of the operator or any of his or her employees; and
 - (2) The operator's name or registered business name, the location of the commercial parking lot, and the business hours specified on the sign or signs required by § 545-530.

§ 545-534. Duty to respond to public inquiries.

Every operator shall:

- A. Maintain the telephone number and e-mail address provided upon the signage referred to in § 545-530 of this article;
- B. Ensure that a live person responds to inquiries at such telephone number during the business hours of the commercial parking lot; and
- C. Ensure that a voice message can be left at such telephone number outside the business hours of the commercial parking lot.

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§ 545-535. Issuance of demands for payment.

- A. No person shall issue any demand for payment in relation to vehicles parked at a commercial parking lot except as prescribed by this section, though nothing in this section shall prevent an operator from attempting to collect upon a demand for payment previously issued in accordance with this section or to bring a court proceeding.
- B. Where signage is posted upon the commercial parking lot in accordance with § 545-530, an operator may issue a written demand for payment in the form of a private invoice in relation to vehicles parked on the commercial parking lot, provided that the invoice:
- (1) Clearly outlines the alleged contravention of parking terms and conditions;
 - (2) Does not resemble, in colour or design, or simulate the colour or design, of a City of Toronto penalty notice; **[Amended 2017-07-07 by By-law 797-2017¹⁵⁴]**
 - (3) Does not include the City of Toronto logo;
 - (4) Indicates in bold lettering on the front and back of each notice, in a font size larger than the rest of the notice:

"This is not a City of Toronto penalty notice", and **[Amended 2017-07-07 by By-law 797-2017¹⁵⁵]**

"This is a private invoice issued by (operator name and licence number)."
 - (5) Provides detailed information on the process for making payment;
 - (6) Provides detailed information on how an invoice may be disputed;
 - (7) Includes on the face of the notice:
 - (a) the operator's registered name and licence number;
 - (b) the address of the commercial parking lot;
 - (c) the commercial parking lot's hours of operation; and
 - (d) a telephone number and e-mail address to patrons may address inquiries regarding the payment process or dispute the invoice; and
 - (8) Is consistent with the terms and conditions posted upon the commercial parking lot in accordance with § 545-530.

¹⁵⁴ Editor's Note: By-law 797-2017 came into effect August 28, 2017.

¹⁵⁵ Editor's Note: By-law 797-2017 came into effect August 28, 2017.

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- C. Every operator shall file a blank copy of the invoice referred to in Subsection B with the Executive Director, Municipal Licensing and Standards, or his or her designate, prior to issuing such an invoice.
- D. No operator shall issue a penalty notice or a Toronto Police Service Tow Card.
[Amended 2017-07-07 by By-law 797-2017¹⁵⁶]

§ 545-536. Operator not to restrain or immobilize vehicles.

No operator shall restrain or immobilize or cause to be restrained or immobilized any vehicle parked, stopped, or standing at the commercial parking lot by any means whatsoever.

¹⁵⁶ Editor's Note: By-law 797-2017 came into effect August 28, 2017.