

INFORMATION SHEET

OVERVIEW ONLY

This information sheet is intended to provide an overview of the Toronto Licensing Tribunal and its functions. For definitive information, reference should be made to the *City of Toronto Municipal Code* itself, which may be found on-line. Chapter 545 and Chapter 546 are particularly relevant;

[TORONTO MUNICIPAL CODE - CHAPTER 545, LICENSING](#)

[TORONTO MUNICIPAL CODE - CHAPTER 546, LICENSING OF VEHICLES-FOR-HIRE](#)

ABOUT THE TRIBUNAL

The Tribunal is an independent quasi-judicial body consisting of seven members chosen by City of Toronto Council for a four-year term. The Tribunal receives administrative support from the Court Services Division within the City of Toronto. Hearings are open to the public and the Tribunal reaches its decisions without political or business interference.

The Tribunal has the authority to:

- Approve or refuse the issuance of a licence
- Approve or refuse the renewal of a licence
- Place conditions on a licence
- Suspend or revoke a licence

In making a decision, the Tribunal has to balance the protection of the public interest with the licensee's need to make a living.

BACKGROUND

A wide variety of businesses operating in the City of Toronto must obtain a licence from the City's Municipal Licensing & Standards Division (MLS): www.toronto.ca/mls

REASONS FOR REFUSAL

MLS may refer a licence to the Toronto Licensing Tribunal for a hearing if the licensing bylaw or any other law has been breached, as well as refuse to issue or renew a business licence because the licensee has exceeded the business licensing thresholds as a result of Criminal Code, Highway Traffic Act or Bylaw convictions.

The Tribunal, however, is not bound by the thresholds and may grant a business licence, with or without conditions, if it believes that the applicant will conduct his or her business legally, with honesty and integrity in a way that will not harm the public. If MLS has refused to issue you a licence or to renew your licence, you may request a hearing before the Toronto Licensing Tribunal. There is no additional fee to apply for a hearing, although you are responsible for paying your own lawyer or paralegal, if you choose to hire one to represent you. MLS may also seek to revoke a business licence. In such cases, the licence holder will be required to attend a hearing before the Tribunal. The Tribunal will then decide the matter.

HOW TO REQUEST A HEARING

- If you receive a refusal letter from MLS, complete the Request for Hearing form and return it to the licensing office (East York Civic Centre, Third Floor, 850 Coxwell Avenue, Toronto, Ontario M4C 5R1) within 30 days.
- If you already have a representative or lawyer who will represent you at the hearing, put his/her name, address and phone number on the Request for Hearing form. If you require an interpreter at the hearing, fill in the language you need on the Request for Hearing form. The City of Toronto will provide the services of an interpreter free of charge.
- After your Request for Hearing form is received by MLS, a report will be written and delivered to the Tribunal office. The Tribunal office will schedule a hearing for you and will send you a Notice of Hearing giving the date and time of the hearing.
- Along with the Notice of Hearing, you will receive a copy of a report that contains the facts and sections of the bylaw upon which MLS intends to rely on at the hearing. You should carefully review the entire contents of the report.

HOW TO PREPARE FOR YOUR HEARING

Think about why you want a hearing and the evidence that you will need to support your application.

Before the hearing date, you should read the report from MLS, setting out its concerns about the business licence you hold or are applying for. At the hearing, you should be prepared to address these concerns and to explain why you believe you should be issued or permitted to retain a business licence.

You may give evidence yourself, or you may bring witnesses who have knowledge of relevant facts, and you may bring relevant documents. In particular, you should:

- Arrange for your witnesses to attend the hearing. Although letters from your witnesses may be taken into account by the Tribunal, it may be more persuasive for your witnesses to attend the hearing to give their testimony in person.
- Always bring the Notice of Hearing and the MLS report with you to the hearing.
- Collect all the other documents that you believe will help your case and ensure you file them with Toronto Licensing and Tribunal ten (10) days prior to your hearing. The following are examples of documents that you may wish to bring with you to your hearing, if they are relevant:
 - Dated and signed letters from your current employer or former employers
 - Diplomas and professional certificates
 - Dated, signed doctors letters or copies of your medical records
 - Your criminal, bylaw and/or provincial driver's licence records
 - Character references such as your religious advisor, parole officer, therapist, etc.

WHAT TO EXPECT AT THE HEARING

The following people will be participating in the hearing:

- You, plus your representative if you have one, and any witnesses who may testify on your behalf
- A three-person panel of the Tribunal
- A lawyer from the City, representing MLS
- A staff member from MLS and any other witnesses who may testify on behalf of the City
- Court Services staff including a court clerk to make a full record of the proceedings
- An interpreter, if you have requested one
- As it is a public hearing, members of the public and /or the media may attend.

The City's lawyer starts the hearing by explaining why MLS has referred a Licence to the Tribunal or refused to approve your Licence application or renewal or recommends revocation of your Licence. The City may then call witnesses. After each person finishes his or her testimony, you or your representative on your behalf (if you have one) may ask the witness questions about that testimony. This is called cross-examination.

When the City's witnesses are finished testifying, it is your turn. This is when you and your witnesses, if any, tell the Tribunal your side of the story and present any documents which you have brought. After testifying, you and your witnesses may be cross-examined by the City's lawyer.

Every witness must swear or affirm to tell the truth.

After all witnesses have testified and been cross-examined, the City's lawyer will make a submission to the Tribunal. This submission will say what the City wants the Tribunal to do (for example, to issue or renew your licence with or without conditions, to refuse to issue or renew your licence, or to suspend or revoke your licence) and why.

You or your representative may then make a submission on what you want the Tribunal to do and why.

The City's lawyer may make a final statement to the Tribunal.

The Tribunal will then consider the evidence and the law, and make a decision about your licence.

1. Link to applicable law:

https://www.ontario.ca/laws?search=Licensing+tribunal&filteroption=current&filterstat%5B%5D=current&filteryear=&pit_date=&filtertype=Statute&sort=&sort_letter=#tabcontent2

CONTACT:

Toronto Licensing Tribunal
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As scented products may aggravate health problems for those with asthma, allergies and other medical conditions, please refrain from using scented products when attending a hearing.

In accordance with the Ontario Human Rights Code, Accessibility for Ontarians with Disabilities Act and the City of Toronto's Accommodation Policy, a request for accommodation in writing, will be taken into consideration for purposes of the hearing. Applicants, Licensees or representatives are required to provide their accommodation needs at least three business days before the hearing date.