

Chapter 545

LICENSING

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Appendix C to Ch. 545, Tariff A, Taxicab Rates and Fares	Appendix L to Ch. 545, List of Professional Holistic Associations
Appendix D to Ch. 545, Taxicab Operator Log	Appendix M to Ch. 545, Taxi Tariffs from the City of Toronto to Lester B. Pearson International Airport
Appendix E to Ch. 545, Accredited Vehicle Repair Facilities Standards and Specifications	Appendix N to Ch. 545, Limousine Tarriffs from the City of Toronto to Lester B. Pearson International Airport
Appendix F to Ch. 545, Application for License for Special Sale	

[HISTORY: Adopted by the Council of the City of Toronto 2002-06-20 by By-law No. 514-2002.¹ Amendments noted where applicable.]

GENERAL REFERENCES

Animals — See Ch. 349.
Fees and charges — See Ch. 441.
Administration of fees and charges — See Ch. 442.

Fees and charges, delegation of authority – See Ch. 443.
Lottery licensing — See Ch. 553.
Licensing of videotape stores — See Ch. 832.

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 Section 2 of this by-law also repealed By-law No. 574-2000, as amended.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 No. 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 No. 574-2000. Section 4 of this by-law stated that any investigation or legal proceeding commenced under or in respect of By-law No. 574-2000 prior to the enactment of this by-law shall be taken up and continued under and in conformity with this by-law. Section 5 of this by-law stated that it comes into force 2002-10-31; Section 5 was amended 2002-10-30 by By-law No. 847-2002 to change the effective date of "2002-10-31" to "2003-01-01."

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ARTICLE I
General Licensing Provisions

§ 545-1. Definitions.

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 No. 658-2004²]

- 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).

ACUPUNCTURE and/or TRADITIONAL MEDICINE ORGANIZATION — An association, organization or institution demonstrated as required under this chapter to be established for the purpose, and with the continuing intent, of ensuring safe and proper provision of one or more kinds of traditional medicine services through: [Added 2004-07-22 by By-law No. 658-2004³]

- A. The admission to membership of persons qualified to provide such traditional medicine services;
- B. The promulgation and enforcement of a code of ethics respecting the provision of such traditional medicine services;
- C. Maintaining, providing and recognizing measurable standards for practices and procedures in the provision of such traditional medicine services; and
- D. The communication of information relating to such traditional medicine services.

ADULT ENTERTAINMENT PARLOUR:

- 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

² Editor's Note: This by-law provided that it comes into force 2004-07-01.

³ Editor's Note: This by-law provided that it comes into force 2004-07-01.

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 parlour:
 - [1] **ATTENDANT** — 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 parlour;
 - [2] **OWNER** — A person who alone or with others has the right to possess or occupy an adult entertainment parlour or actually does possess or occupy an adult entertainment parlour and includes a lessee of an adult entertainment parlour or of premises upon which an adult entertainment parlour is located; and
 - [3] **OPERATOR** — A person who alone or with others operates, manages, supervises, runs or controls an adult entertainment parlour.

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

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

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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.

CAB — A taxicab. When used in reference to a cab, “owner” includes: [**Amended 2005-07-21 by By-law No. 706-2005**⁴]

- A. The owner of a cab licensed as such or required to be licensed as such under this chapter; and
- B. The holder of the plate portion of a permit issued by the Ministry of Transportation, and, where the records of the Ministry of Transportation indicate that the motor vehicle is leased, the lessee, who is registered as such with the Ministry of Transportation.

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)*.⁵

⁴ Editor’s Note: This by-law provided that it comes into force 2005-09-01.

⁵ Editor’s Note: See 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 No. 800-2006⁶]**

COMMISSIONER — The Commissioner of Urban Development Services of the City of Toronto.

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.

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

ELECTRICAL WORK — Includes any procedure or method described in the Electrical Safety Code, being Ontario Regulation 612/84, as amended, made under the *Power Corporation Act*, as amended.⁷

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 No. 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

⁶ Editor's Note: This by-law provided that it comes into force 2007-01-01.

⁷ Editor's Note: See R.S.O. 1990, c. P.18.

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beverage may be offered for sale as an ancillary use. **[Added 2006-02-02 by By-law No. 20-2006]**

EXECUTIVE DIRECTOR — The Executive Director of the Municipal Licensing and Standards Division, of the Urban Development Services Department, of the City of Toronto.

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 No. 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.

LIMOUSINE — Any automobile, other than a taxicab as defined by this chapter, used for hire for the conveyance of passengers in the City of Toronto, and formerly referred to in this chapter as a “livery cab.” **[Added 2005-07-21 by By-law No. 706-2005⁸]**

LIMOUSINE SERVICE COMPANY — Any person or entity which accepts calls in any manner for booking, arranging or providing limousine transportation. **[Added 2005-07-21 by By-law No. 706-2005⁹]**

MASTER ELECTRICIAN — A person who is skilled in the planning, superintending and installing of wires, conduits, apparatus, fixtures or other appliances for the carrying on or using of electricity for light, heat or power purposes, who is familiar with the laws, rules and regulations governing the same, who has a regular place of business in the City of Toronto and who, himself or

⁸ Editor’s Note: This by-law provided that it comes into force 2005-09-01. This by-law also repealed the definition of “livery cab,” which was previously included herein.

⁹ Editor’s Note: This by-law provided that it comes into force 2005-09-01.

herself, or by journeymen electricians in his or her employ, performs electrical work.

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.

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*,¹⁰ or his or her designate.

MINOR — Any person under the age of 18 years. [Added 2005-07-21 by By-law No. 671-2005¹¹]

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 Urban Development Services Department, of the City of Toronto, and includes employees thereof.

PARKING ENFORCEMENT SERVICES — Any parking enforcement activity, including but not limited to the monitoring of property, issuance of tags, tickets or payment notices, and authorizing the towing of vehicles, 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 No. 725-2004]

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.

¹⁰ Editor's Note: See R.S.O. 1990, c. H.7.

¹¹ Editor's Note: This by-law provided that it comes into force 2005-10-01.

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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 No. 497-2009]

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

PLUMBING — Includes any procedure, method, matter or thing referred to or described in the *Building Code Act, 1992*, as amended,¹² 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.

PUBLIC GARAGE — Includes a parking station or a parking lot or 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 an automobile service station other than as described in § 545-2A(40) of this chapter and a collision reporting centre.

SALVAGE YARD — Includes an automobile wrecking yard or premises.

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*¹³ 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.

SPECIAL SALE — Any sale or intended sale at retail described by the use of any of the following words or expressions, or any enlargement, contraction or combination thereof: bankrupt, moving out, fire, insolvent, selling out, smoke, trustee, lease expiring, water damage, receiver, closing out, creditor, liquidation, discontinuing, forced, or any other similar word or words that represent, hold out or advertise that any goods, wares or merchandise are to be disposed of in a manner that is not in the ordinary course of retail business, but notwithstanding anything

¹² Editor’s Note: See S.O. 1992, c. 23.

¹³ Editor’s Note: See R.S.O. 1990, c. P.54.

herein contained, this chapter shall not apply to any sale by or under the authority of:

- A. A receiver or trustee under the *Bankruptcy Act (Canada)* or a liquidator under the *Winding-Up Act (Canada)*;
- B. A court or receiver appointed by the court;
- C. A bailiff, sheriff, executor or administrator; or
- D. A receiver, liquidator or trustee under any general or special Act.

TAXICAB — An ambassador taxicab, a standard taxicab and an accessible taxicab.

TAXICAB BROKER — Any person who accepts calls in any manner for taxicabs used for hire and which are owned by persons other than himself or herself, his or her immediate family or his or her employer.

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 No. 698-2005¹⁴]**

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.¹⁵

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*,¹⁶ 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 No. 658-2004¹⁷]**

- A. Chinese acupuncture (Zhen), moxibustion (Jiu) and suction cup (Ba Guan);
- B. Chinese manipulative therapy (Tui Na);
- C. Chinese energy control therapy (Qi Gong);

¹⁴ Editor's Note: This by-law stated that it comes into force 60 days after enactment (2005-09-20).

¹⁵ Editor's Note: See R.S.O. 1990, c. M.45.

¹⁶ Editor's Note: See R.S.O. 1990, c. H.8.

¹⁷ Editor's Note: This by-law provided that it comes into force 2004-07-01.

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- 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).

TRADITIONAL MEDICINE — Any treatment employing acupuncture and/or traditional Chinese medicine, as defined in this section. [Added 2004-07-22 by By-law No. 658-2004¹⁸]

TRADITIONAL MEDICINE ESTABLISHMENT — Any premises or part of a premises where traditional Chinese medicine and/or acupuncture services are offered or provided. [Added 2004-07-22 by By-law No. 658-2004¹⁹]

TRADITIONAL MEDICINE PRACTITIONER — A person engaged in the business of providing or offering traditional Chinese medicine or acupuncture services. [Added 2004-07-22 by By-law No. 658-2004²⁰]

TRAILER — Any vehicle so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by the motor vehicle and capable of being used for the living, sleeping or eating accommodation of persons, notwithstanding that such vehicle is jacked up or that its running gear is removed.

TRAILER CAMP — Land in or upon which any trailer used for the living, sleeping or eating accommodation of persons therein is placed, located, kept or maintained.

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.

§ 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

¹⁸ Editor's Note: This by-law provided that it comes into force 2004-07-01.

¹⁹ Editor's Note: This by-law provided that it comes into force 2004-07-01.

²⁰ Editor's Note: This by-law provided that it comes into force 2004-07-01.

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) Every person who owns a barber-shop and every person who owns a hairdressing establishment.
- (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) Every bill poster, advertising sign painter, bulletin board painter, sign poster, and bill distributor, other than a person who works only as an employee of a person licensed pursuant to this section.
- (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) Every owner and every driver of a cab.
- (10) The keeper of every store or shop (other than a hotel as defined by the *Municipal Act*²¹) where tobacco, cigars or cigarettes are sold, or offered for sale, by retail.
- (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) Every electrical contractor and master electrician.

²¹ Editor's Note: See R.S.O. 1990, c. M.45.

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- (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 No. 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.
- (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) Every person who sells fresh meat in quantities less than by the quarter carcass (except horse meat), or fresh fish.

- (23) Every person who sells fresh horse meat in quantities less than by the quarter carcass.
- (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) Every person who engages in the racing of motor vehicles or motorcycles or holds motor vehicle or motorcycle races.
- (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) Every person who owns or operates a public address system, sound equipment, loudspeaker or similar device when used on a highway, public lands or lands adjacent thereto, or when emitting sound thereto.
- (31) Every person who owns or operates a public garage.
- (32) Every proprietary club (as defined by the *Municipal Act*²²), which directly or indirectly keeps or has in its possession or on its premises any billiard, pool or bagatelle table.
- (33) Every person who owns or keeps any place (other than an ice cream parlour in a hotel as defined by the *Municipal Act*²³) for the reception, refreshment or entertainment of the public.
- (34) Every person who owns or operates and every person who drives or who assists in the sale of refreshments from a vehicle from which refreshments are sold for consumption by the public.
- (35) Every owner or keeper of a salvage shop.
- (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.

²² Editor's Note: See R.S.O. 1990, c. M.45.

²³ Editor's Note: See R.S.O. 1990, c. M.45.

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- (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) Every owner or keeper of an automobile service station located or erected since the 25th day of June, 1928, within any defined area or areas or on land abutting on any defined highway or part of a highway in which area or areas or on which land the erection or location of garages to be used for hire or gain or gasoline and oil filling stations was on the said date or at any time thereafter prohibited by a by-law.
- (41) Every owner and every driver of a horse-drawn vehicle used or kept for hire for the purpose of providing sightseeing tours in the City of Toronto.
- (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) Every owner or keeper of a swimming pool or public bath premises operated for profit.
- (44) Every taxicab broker.
- (45) Subject to the provisions of the *Theatres Act*,²⁴ 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) Every person who owns or keeps a trailer camp.
- (47) Every owner and every driver of a tow truck.
- (48) Every person who owns or keeps a trailer, except in a trailer camp, for 30 days or longer in any year.
- (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 which he or she is liable for business assessment, but this subsection shall not apply to the sale of the stock

²⁴ Editor's Note: See R.S.O. 1990, c. T.6.

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 (other than a restaurant or cafe in a hotel as defined by the *Municipal Act*²⁵).
- (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) Every person who conducts a special sale.
- (55) Every owner and every operator of an adult entertainment parlour.
- (56) Every attendant at an adult entertainment parlour.
- (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) Every owner of a traditional medicine establishment. [**Added 2004-07-22 by By-law No. 658-2004**²⁶]
- (62) Every traditional medicine practitioner. [**Added 2004-07-22 by By-law No. 658-2004**²⁷]
- (63) Every limousine service company. [**Added 2005-07-21 by By-law No. 706-2005**²⁸]

²⁵ Editor's Note: See R.S.O. 1990, c. M.45.

²⁶ Editor's Note: This by-law provided that it comes into force 2004-07-01.

²⁷ Editor's Note: This by-law provided that it comes into force 2004-07-01.

²⁸ Editor's Note: This by-law provided that it comes into force 2005-09-01.

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- (64) Every temporary sign provider. [**Added 2005-07-21 by By-law No. 698-2005²⁹**]
- (65) Every owner of an entertainment establishment/nightclub. [**Added 2006-02-02 by By-law No. 20-2006**]
- (66) Every owner and driver of a limousine. [**Added 2006-03-30 by By-law No. 221-2006³⁰**]
- (67) Every operator of a clothing drop box. [**Added 2006-09-27 by By-law No. 800-2006³¹**]

B. Applicability to owners and drivers of cabs.

- (1) Subject to Subsection B(2) of this section, Subsection A(9) shall apply to every owner and every driver of a cab engaged in the conveyance of goods or passengers from any point within the City of Toronto to any point outside the City of Toronto. [**Amended 2007-04-24 by By-law No. 435-2007³²; 2007-09-27 by By-law No. 1082-2007; 2007-12-13 by By-law No. 1425-2007**]
- (2) Persons with disabilities; school children.
 - (a) In this subsection, a “person with a disability” is a person who has a persistent physical, mental, psychiatric or sensory impairment.
 - (b) Subsection B(1) does not apply to the owner or driver of a cab engaged in the conveyance of:
 - [1] Children taking the cab both to and from nursery school, school or other full-time education institution; or
 - [2] Persons with disabilities from any point within the City of Toronto to any point outside of the City of Toronto, provided that the conveyance is made pursuant to a written contract for the use of the cab, a copy of which contract has been filed with the Municipal Licensing and Standards Division at least 30 days before the day upon which the conveyance is made; and the conveyance is made by a cab with respect to which there is a valid and subsisting licence issued under a by-law passed by a municipality under paragraph 1 of section 232 of the *Municipal Act*, as amended.³³

²⁹ Editor’s Note: This by-law stated that it comes into force 60 days after enactment (2005-09-20).

³⁰ Editor’s Note: This by-law provided that it comes into force 2005-09-01.

³¹ Editor’s Note: This by-law provided that it comes into force 2007-01-01.

³² Editor’s Note: This by-law was amended 2007-05-25 by By-law No. 596-2007 to change the date that it comes into force to 2007-09-30.

³³ Editor’s Note: See R.S.O. 1990, c. M.45.

§ 545-3. Toronto Licensing Tribunal.

[Amended 2003-09-25 by By-law No. 1012-2003; 2005-06-16 by By-law No. 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.
- (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.

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- (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.
- (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.
- (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.

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- (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;
 - (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.

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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.
- (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 mail to the applicant at the address as shown on the application form; or [**Amended 2004-01-29 by By-law No. 117-2004**³⁴]
 - (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 No. 513-2005**]

³⁴ Editor's Note: This by-law provided that it comes into force 2004-07-01.

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- (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.

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
 - (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 No. 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 No. 117-2004³⁵; amended 2004-06-24 by By-law No. 483-2004³⁶**]

³⁵ Editor's Note: This by-law provided that it comes into force 2004-07-01.

³⁶ Editor's Note: This by-law provided that it comes into force 2004-07-01.

- (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.³⁷
 - (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 No. 754-2005**³⁸]
- D. Notwithstanding any decision of, or statement by, the Toronto Licensing Tribunal, the Commissioner, 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 this chapter 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.
- 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.
- 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:

³⁷ Editor's Note: Appendix K is included at the end of this chapter.

³⁸ Editor's Note: This by-law provided that it comes into force 2005-10-01.

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- [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) Effective July 1, 2004, all licences issued under this chapter shall be renewed on the anniversary of the date upon which the licence was first issued (the “new renewal date”), provided that the applicable licence fees for renewal in 2005 shall be phased-in on a pro-rated basis as follows: **[Added 2004-07-22 by By-law No. 657-2004]**
 - (a) Where the period from the previous renewal date in 2004 as set out in Appendix A to this chapter prior to July 1, 2004 (the “old renewal date”) to the new renewal date is more than three calendar months, licence holders renewing their licences after July 1, 2004, will be required to renew their licence on the old renewal date, at which time they shall pay on a pro-rated basis for the period from the old renewal date to the new renewal date, and every year thereafter on the new renewal date; or
 - (b) Where the period from the old renewal date to the new renewal date is three calendar months or less, licence holders renewing their licenses after July 1, 2004, will be required to renew their licence on the old renewal date, at which time they shall pay on a pro-rated basis for the

period from the old renewal date to the first anniversary of the new renewal date, and every year thereafter on the new renewal date.

- (4) Effective January 1, 2005, 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 as follows: **[Added 2004-07-22 by By-law No. 657-2004]**
 - (a) Application for renewal within the first 30 days: \$8.00;
 - (b) Application for renewal from 31 to 60 days: \$59.00; and
 - (c) Application for renewal from 61 to 90 days: \$114.00.
 - (5) Effective January 1, 2005, 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 No. 657-2004]**
- 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.

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- 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.
- L. The licences for the several trades, businesses and occupations set out in Appendix A at the end of this chapter shall be from the period commencing on the date of issuance or renewal of such licences and, unless they are sooner forfeited or revoked, shall, in each case, expire in each year on the date as set out in § 545-4G(3). **[Amended 2004-07-22 by By-law No. 657-2004]**
- M. The sums of money set out in Appendix A at the end of this chapter for each fee class are, effective July 1, 2004, the current amounts of the fee for such licences, and these amounts shall be updated on a yearly basis in accordance with § 545-4N. **[Amended 2003-09-24 by By-law No. 905-2003³⁹; 2004-07-22 by By-law No. 657-2004]**
- N. The licence fees set out in Appendix A at the end of this chapter shall automatically increase on the first day of January in each year, commencing January 1, 2004, by the percentage increase in the All Items Index of the Consumer Price Index (not seasonally adjusted) for the Toronto Census Area, published by Statistics Canada, during the twelve-month period ending on September 30th of each previous year. **[Added 2003-09-24 by By-law No. 905-2003⁴⁰]**
- O. Amendments to licence. **[Added 2004-07-22 by By-law No. 657-2004]**
- Effective July 1, 2004, 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 of \$54.00.
- P. Validity of endorsements. **[Added 2004-07-22 by By-law No. 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.

³⁹ Editor's Note: This by-law provided that it comes into force 2004-01-01.

⁴⁰ Editor's Note: This by-law provided that it comes into force 2004-01-01.

- (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 Commissioner 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.
- C. No person licensed under this chapter shall, because of race, colour, or creed, 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.
- D. No person licensed under this chapter shall, in respect of any blind person being guided or led by a dog, by reason only of the presence of the said dog:
 - (1) Refuse to serve such person;
 - (2) Refuse to permit such person to enter with such dog into or upon any place, premises, vehicle or thing to which the licence relates; or
 - (3) Refuse to permit such person and such dog to remain in or upon such place, premises, vehicle or thing.
- E. No person licensed under this chapter shall, in respect of any person with a disability, by reason only of the presence of such disability:
 - (1) Refuse to serve such person;
 - (2) Refuse to permit such person to enter into or upon any place, premises, vehicle or thing to which the licence relates; or

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- (3) Refuse to permit such person to remain in or upon such place, premises, vehicle or thing.

F. Serving persons in eating and drinking establishments to be clothed.

- (1) Definitions.

In this subsection and in Subsection H, 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.

- (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 F(2).

G. 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 No. 678-2006⁴¹]**

CERTIFIED FOOD HANDLER — The holder of a valid food handler certificate. **[Added 2006-07-27 by By-law No. 678-2006⁴²]**

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

⁴¹ Editor's Note: This by-law provided that it comes into force 2006-09-01.

⁴² Editor's Note: This by-law provided that it comes into force 2006-09-01.

preparation, processing, packaging, service or storage. **[Added 2006-07-27 by By-law No. 678-2006⁴³]**

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 No. 678-2006⁴⁴]**

- (a) The Toronto Public Health Food Handler Certification Program;
- (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 F(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*,⁴⁵ 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*,⁴⁶ 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

⁴³ Editor's Note: This by-law provided that it comes into force 2006-09-01.

⁴⁴ Editor's Note: This by-law provided that it comes into force 2006-09-01.

⁴⁵ Editor's Note: See R.S.O. 1990, c. H.7.

⁴⁶ Editor's Note: See R.S.O. 1990, c. H.7.

- (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 G(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 Government of Canada, a Canadian province or territory, a Canadian municipality, or the Medical Officer of Health. [**Added 2006-07-27 by By-law No. 678-2006**⁴⁷]

TO OPERATE — That term as defined in Subsection F(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

⁴⁷ Editor’s Note: This by-law provided that it comes into force 2006-09-01.

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- 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 G(1) to such establishment, at least 30 days prior to the implementation of such change or changes.
 - (7) Every limited liability company applying for a licence or licences as an owner or keeper of an eating or drinking establishment shall file an annual return with the Municipal Licensing and Standards Division on or before the time at which it applies for its licence.
 - (8) Where the shares in a corporate owner 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 set out in Subsection G(7) an annual return, and if the return discloses that shares in such corporation are held in whole or in part by a third corporation, then such third corporation shall likewise file an annual return in accordance with Subsection G(7) 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, direct or indirect, in any licence or licences as an owner or keeper of an eating or drinking establishment.
 - (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.
 - (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 No. 678-2006**⁴⁸]
- (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) Notwithstanding § 545-5G(17)(a), every person licensed, or required to be licensed, under this chapter as a refreshment vehicle owner, operator, driver or assistant 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 § 545-5G(17)(a) and every person to whom § 545-5G(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.
- (18) Accreditation of training programs. [**Added 2006-07-27 by By-law No. 678-2006**⁴⁹]
- (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

⁴⁸ Editor's Note: This by-law provided that it comes into force 2006-09-01.

⁴⁹ Editor's Note: This by-law provided that it comes into force 2006-09-01.

the *Health Protection 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 § 545-5G(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.
- H. 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.

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- 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
 - (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,⁵⁰ 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 No. 117-2004⁵¹; amended 2004-06-24 by By-law No. 483-2004⁵²; 2005-09-30 by By-law No. 754-2005⁵³]

§ 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,⁵⁴ 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 No. 117-2004⁵⁵]
- (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

⁵⁰ Editor's Note: Appendix K is included at the end of this chapter.

⁵¹ Editor's Note: This by-law provided that it comes into force 2004-07-01.

⁵² Editor's Note: This by-law provided that it comes into force 2004-07-01.

⁵³ Editor's Note: This by-law provided that it comes into force 2005-10-01.

⁵⁴ Editor's Note: Appendix K is included at the end of this chapter.

⁵⁵ Editor's Note: This by-law provided that it comes into force 2004-07-01.

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thresholds as set out in Appendix K to this chapter.⁵⁶ [**Amended 2004-01-29 by By-law No. 117-2004**⁵⁷; **2004-06-24 by By-law No. 483-2004**⁵⁸]

- 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 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 No. 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 license, 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.

⁵⁶ Editor's Note: Appendix K is included at the end of this chapter.

⁵⁷ Editor's Note: This by-law provided that it comes into force 2004-07-01.

⁵⁸ Editor's Note: This by-law provided that it comes into force 2004-07-01.

- 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.
- 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 No. 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 No. 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

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any offence committed against the said By-law No. 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 No. 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.

§ 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*.⁵⁹
- (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.
- (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

⁵⁹ Editor's Note: See R.S.O. 1990, c. H.8.

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Municipal Licensing and Standards Division. [Amended 2003-04-16 by By-law No. 248-2003⁶⁰]

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.
- (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.

⁶⁰ 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 2003-06-01.

- (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.
- (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.

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- (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 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 No. 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 No. 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 No. 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.

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 No. 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.

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§ 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 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.

§ 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.

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§ 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 No. 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 No. 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 No. 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.

§ 545-29.2. Restricted areas.

[Added 2005-06-16 by By-law No. 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 No. 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 No. 1049-2004; 2005-06-16 by By-law No. 512-2005]**
 - (5) State the current rate of exchange for United States' dollars; **[Amended 2004-12-02 by By-law No. 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 No. 1049-2004]**
 - (7) Be inspected and approved by the Commissioner or his or her delegate. **[Added 2004-12-02 by By-law No. 1049-2004]**

§ 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".

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

[Amended 2004-12-02 by By-law No. 1049-2004]

- 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.

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- 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 Commissioner or his or her delegate.

§ 545-33. Schedule of rates.

[Amended 2004-12-02 by By-law No. 1049-2004; 2005-06-16 by By-law No. 512-2005; 2008-03-05 by By-law No. 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 No. 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.

ARTICLE IV
Refreshments Sold from Vehicles

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

- A. Every owner, operator and driver of, and every assistant in, a vehicle from which refreshments (other than those described in § 545-39 of this article) 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:
- (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) Only single-service disposable cups, plates, containers, forks, spoons and serviettes provided in dispensers approved by the Municipal Licensing and Standards Division or individually wrapped shall be used in the sale of all refreshments.
 - (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 No. 678-2006⁶¹**]
 - (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) All milk sold from the vehicle shall be kept in dry storage at a temperature no higher than 5 degrees Celsius and shall be sold only in individual disposable containers.
 - (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.

⁶¹ Editor's Note: This by-law provided that it comes into force 2006-09-01.

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- (9) No prepared foods other than those kept in unopened cans shall be sold more than 24 hours after their preparation.
 - (10) The vehicle shall be equipped so as to maintain hot, prepared foods at a temperature of not less than 66 degrees Celsius, and such foods shall be kept so heated.
 - (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 the refreshment vehicle or any person other than a licensed driver or licensed assistant employed by the owner to assist in the sale of refreshments from the vehicle.
- C. No person to whom this section relates shall sell any refreshments not prepared, assembled and wrapped under conditions complying with the requirements of the Medical Officer of Health.
- D. Every owner, operator and driver of, and every assistant in, a motor vehicle to which this article relates shall comply with, or cause to be complied with, the following regulations:
- (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 refuse 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 refuse.
- 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 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 No. 248-2003⁶²**]
- J. Every owner, operator, driver of, and every assistant 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:

⁶² 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 2003-06-01.

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- (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*,⁶³ as amended.
- (3) Every vehicle equipped with a heater shall also be equipped with a fire extinguisher having a 4BC rating.
- (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 refuse.
- (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 that were permitted under Ontario Regulation 562 made under the *Health Protection and Promotion Act*⁶⁴ as of July 16, 2007. **[Added 2007-07-19 by By-law No. 878-2007]**
- (8) Despite Subsection J(7), persons operating a vehicle licensed under this section under Municipal Code Chapter 738, Street Food, Healthier, shall be permitted to prepare or sell additional food products as permitted under that chapter. **[Added 2008-12-03 by By-law No. 1316-2008]**

⁶³ Editor's Note: See R.S.O. 1990, c. E.16.

⁶⁴ Editor's Note: See R.S.O. 1990, c. H.7.

§ 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) Notwithstanding Subsection A(1)(a), a refreshment vehicle licensed and used as such prior to January 1, 1966, may be of a type in which there is direct access from the cab to the body of the vehicle used for storage and dispensing, provided such vehicle is equipped with a device approved by the Municipal Licensing and Standards Division, whereby the serving windows must be locked and unlocked from the outside only and the engine of the vehicle cannot be started or operated while the serving windows remain open.
 - (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) All vehicles shall be equipped with a properly maintained and operational device by which the engine of the vehicle cannot be started or operated while the serving windows of the vehicle are open.
 - (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.

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- (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 refuse 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 refuse.
- (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 - 15 degrees Celsius and such area shall be equipped with an accurate, indicating thermometer.
 - (b) Such hard ice cream and related products shall be maintained in a hard condition in the vehicle at all times.
 - (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 5 degrees Celsius and shall be equipped with an accurate, indicating thermometer;
 - (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:
- (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.

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- (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 relates shall permit or allow any person other than a licensed driver employed by the owner to operate the refreshment vehicle or any person other than a licensed driver or licensed assistant employed by the owner to assist in the sale of refreshments from the vehicle.
- C. Every driver of and assistant 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 No. 678-2006⁶⁵]**
- 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;
 - (2) Refrain from stopping for the sale of refreshments within 30 metres of any entrance to school grounds, public park or public dock or wharf where ferries take on and discharge passengers;
 - (3) Refuse to serve any customer standing on the travelled portion of a highway;

⁶⁵ Editor's Note: This by-law provided that it comes into force 2006-09-01.

- (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 licensed under this section as a driver, owner, operator or assistant 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.
- 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 No. 248-2003⁶⁶]**
- 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

Owners and Drivers of Horse-Drawn Vehicles Used or Kept for Hire for the Purpose of Providing Sightseeing Tours

§ 545-40. Definitions.

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

OWNER and DRIVER — Owner and driver respectively of a vehicle.

⁶⁶ 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 2003-06-01.

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TO OPERATE — To use a vehicle for hire for the purpose of providing sightseeing tours in the City of Toronto, or to permit a vehicle to be used or to be made available to the public for such purpose.

VEHICLE — A horse-drawn vehicle used or kept for hire for the purpose of providing sightseeing tours in the City of Toronto.

§ 545-41. Identification plate to be affixed to vehicle.

- A. Every owner shall for each vehicle for which he or she holds a licence affix and maintain thereon while such vehicle is being used for hire for the purpose of providing sightseeing tours in the City of Toronto, 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 back of the vehicle, and such plate shall be affixed in a position approved by the Municipal Licensing and Standards Division.
- B. Every owner referred to in Subsection A shall ensure that no numeral that might be mistaken for the licence number on the plate supplied by the Municipal Licensing and Standards Division pursuant to that subsection shall appear on the vehicle for which he or she holds a licence.

§ 545-42. Licence and plate non-transferable; sale of vehicle.

- A. Every licence issued to an owner is valid only for him or her, and no owner's licence may be transferred, leased or sold.
- B. If any vehicle is sold, or if the owner of any vehicle gives up, transfers, leases, parts with or in any other way divests himself or herself or is divested of possession or the right to possession or control of his or her vehicle, any licence issued to him or her in respect of such vehicle may be revoked or suspended or have conditions placed on it by the Toronto Licensing Tribunal.
- C. Every owner of a vehicle shall notify the Municipal Licensing and Standards Division of the sale by him or her of such vehicle within 10 days after such sale, and shall within the same period surrender the licence and plate issued to him or her in respect of such vehicle to the Municipal Licensing and Standards Division.

§ 545-43. Insurance requirements.

- A. Every owner shall, in respect of each vehicle for which he or she holds a licence, obtain, maintain and pay for a liability insurance policy to cover the trade, business or occupation of the licensee to which his or her licence pertains with a limit of not less than \$1,000,000 combined bodily injury and property damage, exclusive of

costs, for any one accident or occurrence. [Amended 2003-04-16 by By-law No. 248-2003⁶⁷]

- B. The policy referred to in Subsection A shall be endorsed in the effect that the Municipal Licensing and Standards Division will be given 10 days' notice in writing of any cancellation, expiration or variation in the amount of the policy.
- C. The licensee shall file with the Municipal Licensing and Standards Division a certified copy or certificate of the policy referred to in Subsection A forthwith after its issuance.

§ 545-44. 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 vehicle as to which there has been a cancellation of a policy of insurance filed under § 545-43, and such suspension shall continue until there has been satisfactory compliance with § 545-43.

§ 545-45. Leasing of vehicles.

- A. Subject to Subsection E of this section, no owner not being a corporation shall permit any other person to manage the operation of his or her vehicle, or business, nor shall any owner enter into any arrangement or agreement, written or verbal, with any other person for such purposes.
- B. Subject to Subsection E of this section, no corporate owner shall permit any person, other than an employee of such owner, to manage the operation of its vehicle or business.
- C. Except as provided in this chapter, no vehicle shall be rented, leased or hired.
- D. For the purposes of this section, the terms "rented," "leased" or "hired" include any arrangement or agreement whereby the owner gives up to some other person the right to possession.
- E. An owner may lease his or her vehicle to a person on a daily, weekly, monthly or yearly basis, provided that:
 - (1) Under the terms of the lease the owner provides a vehicle equipped, inspected, approved and registered in accordance with this article;
 - (2) All weekly, monthly or yearly leases are filed with, and approved by, the Municipal Licensing and Standards Division, subject to such terms and

⁶⁷ 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 2003-06-01.

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- conditions as the Municipal Licensing and Standards Division may, in its discretion, deem advisable;
- (3) The lease shall provide that the owner is responsible for maintenance of and insurance on the vehicle;
 - (4) The amount charged under the lease shall be a fair fee, and no additional charges shall be made against the lessee except charges for parking and traffic violations committed by the lessee in the operation of the vehicle and charged against the owner; and
 - (5) A monthly or yearly lease shall provide that it may be terminated by either party on giving the other party thereto one week's notice in writing.
- F. The Toronto Licensing Tribunal may revoke the licence of an owner who enters into a lease agreement, whether oral or written, other than in accordance with this article.

§ 545-46. Condition of vehicle.

No owner shall operate or permit to be operated any vehicle owned by him or her unless it is:

- A. Clean as to its exterior;
- B. In good repair as to its exterior;
- C. Clean as to its interior;
- D. Free from mechanical defects; and
- E. The harness and equipment used in conjunction therewith is sound, pliable and in good repair.

§ 545-47. Maintenance of vehicle, harness and equipment.

Every owner shall maintain every vehicle owned by him or her and any harness or other equipment used in conjunction therewith in good working condition, and shall ensure that such vehicle and equipment is regularly inspected for mechanical or other defects.

§ 545-48. Hours of operation.

No owner shall operate any vehicle owned by him or her, and no person shall drive or operate a vehicle during the following periods, in the City of Toronto:

- A. Between the hours of 2:00 and 10:30 in the forenoon of any day; or

- B. Between the hours of 3:00 and 6:30 in the afternoon of any day except Saturday, Sunday or a public holiday;

§ 545-49. Information to be supplied concerning horses; working conditions for horses.

Subject to this article:

- A. Every owner shall, before permitting a vehicle owned by him or her to be operated, file in writing with the Municipal Licensing and Standards Division a complete detailed list showing thereon the number of horses to be used to draw the said vehicle during its hours of operation including the times and number of hours each day during which each particular horse will be made available to draw such vehicle.
- B. No owner may use or permit the use of any horse for the purpose of drawing or operating a vehicle or vehicles owned by him or her for a total period of time longer than eight hours in any day.
- C. In calculating the eight-hour period referred to in Subsection B, there shall be included any time in the same day during which the horse is used to draw a vehicle for any purpose, other than for the purpose of getting to and from the stable area housing such horses.
- D. Every owner or driver in charge of a horse which has been made available for drawing any vehicle or vehicles for or during any period of four consecutive hours shall permit the said horse to be rested for a two-hour period before requiring it to draw or be used in the operation of any vehicle at any subsequent time.
- E. In calculating the four-hour period referred to in Subsection D, the travel time to and from the stable area housing the horses shall be excluded in calculating the work period for any horse.
- F. During the period of rest required by Subsection D of this section, the owner or driver in charge of the said horse shall:
 - (1) Remove the harness from the horse and keep it removed throughout the period of rest;
 - (2) Groom the horse; and
 - (3) Provide water to the horse.
- G. Every owner shall identify every horse used in the operation of every vehicle used by him or her, by the affixing of a number on or to the hoof of such horse by a means satisfactory to the Municipal Licensing and Standards Division.
- H. Every owner shall forthwith advise the Municipal Licensing and Standards Division in writing of the putting into service of a horse to be used in the operation of a

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vehicle owned by him or her, and shall also advise the Municipal Licensing and Standards Division forthwith upon the removal of such horse from such service.

- I. Every owner shall, in providing information to the Municipal Licensing and Standards Division pursuant to Subsections A and H of this section, and in all other documents, certificates or other communications delivered to or filed with the Municipal Licensing and Standards Division relating to horses used in the operation of vehicles owned by him or her, refer to such horses by reference to the hoof numbers described in Subsection G of this section.
- J. Every owner shall allow every horse used in the operation of any vehicle owned by him or her at least 24 consecutive hours of rest in every seven days.
- K. No driver shall knowingly drive a vehicle drawn by a horse used for such purpose in contravention of this article.

§ 545-50. Days of operation restricted.

No owner shall operate or permit the operation of a vehicle owned by him or her before the first day of April or after the 30th day of October in any year, providing that the Executive Director or his or her designate may grant permission to any owner licensed under this chapter to operate a vehicle owned by him or her at or during some other designated time or times for the purpose of a special event, providing that the owner comply strictly with any terms imposed by the Executive Director or his or her designate in granting such permission and with all of the other provisions of this chapter.

§ 545-51. Injured or sick horses; shoes; examination of horses.

Every owner in the operation of a vehicle owned by him or her shall comply with or ensure compliance with the following regulations with respect to every horse used for the drawing of such vehicle:

- A. No horse shall be worked where such horse has tendon cuts or fresh leg cuts.
- B. No horse suffering from weeping sores shall be worked.
- C. No lame or improperly shod horse shall be worked.
- D. Without limiting the generality of Subsection C of this section, every horse shall be shod with rubber shoes or with cork, leather or other form of buffer or padding on its hooves.
- E. Every horse shall be examined by a veterinarian before it is first used to draw or operate a vehicle, and no such horse shall be worked unless the said veterinarian has, with respect to such horse, issued a certificate stating that in his or her opinion the horse is fit for the purpose of drawing or operating such vehicle, a copy of

which certificate shall be filed with the Municipal Licensing and Standards Division within one week of the said examination.

- F. Every horse shall be examined by a veterinarian forthwith after it displays any sickness or injury and shall not be worked again until a further certificate as required by Subsection E of this section has been obtained and a copy thereof filed with the Municipal Licensing and Standards Division.
- G. Notwithstanding the generality of Subsection F of this section, every horse shall, during any period in which it is used to draw or operate a vehicle, be examined by a veterinarian at least once each month.

§ 545-52. Age of horses.

No owner shall permit the drawing of a vehicle owned by him or her by any horse less than five years of age or by any horse over 18 years of age.

§ 545-53. Minimum age of drivers and owners.

- A. No owner shall, in respect of any vehicle owned by him or her, permit such vehicle to be driven, controlled, or operated by any person under the full age of 18 years.
- B. No driver's licence shall be issued to any person under the age of 18 years, and no person under the age of 18 years shall own, drive or operate a vehicle.

§ 545-54. Number of passengers limited; weight of vehicle; maximum air temperature.

- A. Subject to Subsection C, no owner shall, in the operation of a vehicle owned by him or her, permit such vehicle to carry or be occupied by more than five persons exclusive of the driver.
- B. No driver shall drive or operate any vehicle carrying or occupied by more than five persons exclusive of himself or herself.
- C. Notwithstanding Subsections A and B, a vehicle may be operated or driven while carrying or occupied by six persons exclusive of the driver, provided that two of such persons are 12 years of age or younger.
- D. Every owner shall, at the time at which he or she applies for a licence in respect of a vehicle owned by him or her, advise the Municipal Licensing and Standards Division of the weight of the said vehicle.
- E. No driver shall drive or operate a vehicle when the temperature of the air in the immediate vicinity of the said vehicle exceeds 32 degrees on the Celsius scale.

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- F. No owner shall permit any vehicle owned by him or her to be operated when the temperature of the air in the immediate vicinity of the said vehicle exceeds 32 degrees on the Celsius scale.

§ 545-55. Use or possession of liquor by drivers.

- A. No owner or driver shall take, consume or have in his or her possession any liquor while he or she is in charge of his or her vehicle, nor shall the use of liquor by him or her be apparent while he or she is in charge of any such vehicle.
- B. No owner shall permit any person in charge of his or her vehicle to take, consume or have in his or her possession any liquor while he or she is in charge of his or her vehicle, nor shall he or she permit any person to be in charge of his or her vehicle while the use of liquor by such person is apparent.

§ 545-56. Appearance and behaviour of owners and drivers.

Every owner or driver in charge of a vehicle shall be properly dressed, neat and clean in his or her person, and shall be civil and well-behaved.

§ 545-57. Trip records.

- A. A driver, or an owner who drives his or her vehicle, shall keep a record in a form supplied by the Municipal Licensing and Standards Division (hereinafter referred to as a “trip record”) of all trips made by the vehicle, and such record shall contain the following information:
- (1) The number of the owner’s licence issued by the Municipal Licensing and Standards Division;
 - (2) The name, address and licence number of the driver;
 - (3) Information identifying the horse used to draw the vehicle during such working period;
 - (4) The date, time and location of the beginning and termination of each trip; and
 - (5) The amount of the fare collected for each trip.
- B. A driver or an owner in charge of his or her vehicle shall not obstruct traffic while writing up his or her trip record, but each trip shall be completely recorded prior to the commencement of the next following trip.
- C. Upon completion of the work period of any driver referred to in Subsections A and B of this section, he or she shall deliver the trip record required therein to be kept by him or her to the owner of the vehicle in respect of which the trip record was made.

- D. The trip record kept by an owner or required to be delivered to him or her by a driver or drivers shall be kept by the said owner for at least 12 months and shall be open to inspection by the Municipal Licensing and Standards Division, and such person shall be permitted to remove such trip record and retain the same for a reasonable time.

§ 545-58. Tariff cards.

- A. Every owner shall, for each vehicle for which he or she holds a licence, provide and maintain thereon while such vehicle is in operation a tariff card supplied by the Municipal Licensing and Standards Division and bearing the name of the owner and his or her licence number, affixed in a place in the said vehicle approved by the Municipal Licensing and Standards Division in such manner that the same is plainly readable by any passenger in the vehicle.
- B. Every owner shall, on the tariff card referred to in Subsection A, post his or her hourly rates of fare for services provided by him or her, and any other rates, fares or fees charged by him or her in the operation of his or her vehicle.
- C. No owner or driver shall demand or receive any rates, fares, charges or fees other than in accordance with those posted on the tariff card affixed in a vehicle as provided in this section.
- D. No driver shall drive and no owner shall permit the operation of any vehicle not bearing a tariff card as required by this section.

§ 545-59. Driver to be in control of horse and vehicle.

- A. Every owner shall ensure that his or her vehicle and the horse drawing it are in the care and control of a driver at all times when it is in operation in the City of Toronto.
- B. Every driver having the care and control of a vehicle and the horse drawing it shall maintain physical control over such vehicle and horse at all times.
- C. No driver having the care and control of a vehicle and the horse drawing it shall leave such vehicle and horse unattended at any time.

§ 545-60. Drivers to be trained and capable; driver's licence required.

- A. Every owner shall be responsible for the training and instruction of every driver driving his or her vehicle, and no owner shall permit any person to drive or operate his or her vehicle unless such person has been properly trained and instructed so to do.

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- B. Every driver and every owner driving his or her own vehicle shall have and maintain in good standing a motor vehicle driver's licence issued by the Province of Ontario, and the vehicle driver's licence issued by the Municipal Licensing and Standards Division and the driving privileges of an owner conferred under this chapter shall, for the purposes of this chapter, be deemed to be suspended during any period in which such licence has lapsed or is under suspension.
- C. Every applicant for a licence as a driver shall be examined by a person designated by the Executive Director as to his or her ability to:
- (1) Handle horses in traffic;
 - (2) Harness horses;
 - (3) Groom and care for horses; and
 - (4) Detect lameness in horses and assess their general health.

§ 545-61. Suspension or revocation of licence; conditions on licence.

Every owner or driver who is convicted of the breach of any of the provisions of § 545-43, 545-47, 545-49, 545-51, 545-54 or 545-59 of this article shall be required to attend before the Toronto Licensing Tribunal for a hearing to determine whether his or her licence should be suspended, revoked or have conditions imposed on it.

§ 545-62. Number of licences to be issued.

There shall be no more than 20 valid owner's licences outstanding, and the Municipal Licensing and Standards Division shall not issue any such licence which would lead to a greater number than 20 licences being issued and outstanding at any one time.

§ 545-63. Inspection of licence and trip record.

Every owner and driver operating a vehicle shall, upon a request made to him or her by any peace officer, by-law enforcement officer or inspector of the Toronto Humane Society, produce and show to such officer or inspector:

- A. His or her licence, if he or she is licensed under this chapter; and
- B. The information required to be kept by such owner or driver under the provisions of § 545-57.

§ 545-64. Owners not to permit operation by unlicensed drivers.

No owner shall permit any person to drive or operate his or her vehicle other than a driver licensed under this chapter.

§ 545-65. Restricted areas.

No owner, operator or driver shall operate or drive a vehicle upon any road or highway set out in Appendix B to this chapter or within the area bounded by the west side of Spadina Avenue, the Canadian Pacific Railway line north of Dupont Street, the east side of Jarvis Street and the south side of Front Street.

§ 545-66. Operation on special transit routes prohibited.

No owner, operator or driver shall operate or drive a vehicle on any road designated as a special transit route pursuant to a by-law to designate such routes and to regulate traffic thereon, on any day on or in respect of which such road has been so designated.

ARTICLE VI
Owners and Drivers of Tow Trucks

§ 545-67. Definitions.

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

DRIVER — A driver of a tow truck who is licensed as such or is required to be licensed as such under this chapter.

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

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

OWNER — An owner of a tow truck or tow trucks who is licensed as such or is required to be licensed as such under this chapter.

TOWED VEHICLE — A vehicle:

- A. Towed or otherwise conveyed by a tow truck; and
- B. In respect of which a contract or agreement is made or intended to be made for the towing or otherwise conveying of such vehicle or for the provision of other services thereto, 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 for hire to a hirer of the services of a tow truck not owned by such person.

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§ 545-68. Duties of owners.

Every owner shall, in respect of each tow truck owned by him or her:

- A. File with the Municipal Licensing and Standards Division information pertaining to the said tow truck in the form provided by the Municipal Licensing and Standards Division;
- B. Take out or arrange for the taking out of a policy of insurance and file proof of insurance with the Municipal Licensing and Standards Division as required by § 545-86;
- C. Obtain a licence or the endorsement of this licence by the Municipal Licensing and Standards Division in respect of every tow truck owned by him or her; and
- D. Pay the applicable licence fee in respect of the number of tow trucks owned by him or her to which his or her licence or the endorsement on his or her licence relates.

§ 545-69. Driver's licence required.

Every driver and every owner driving his or her own tow truck shall have and maintain in good standing at all times a licence issued by the Province of Ontario of a class authorizing him or her to drive a tow truck, and the tow truck driver's licence and the driving privileges of an owner conferred 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.

§ 545-70. Information to be supplied by applicant for driver's licence.

- A. In addition to any information required to be furnished under this chapter, every applicant for a licence as a driver or for endorsement on an owner's licence of the authority to drive the tow truck owned by him or her shall:
 - (1) Produce a Provincial driver's licence of the class authorizing the driving of a tow truck with his or her application; and
 - (2) 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 to do so by the Municipal Licensing and Standards Division.
- B. An owner who is an individual person and who has complied with the provisions of Subsection A of this section, and whose licence has been so endorsed by the Municipal Licensing and Standards Division, may act as driver of any tow truck of which he or she is the owner.

§ 545-71. Owners to be licensed; tow trucks to be used by licensed drivers only.

- A. No driver shall use any tow truck for the towing or otherwise conveying of a vehicle unless the owner of such tow truck is licensed under this chapter as an owner in respect of such tow truck.
- B. Subject to § 545-70B of this article, no owner shall permit any person other than a driver licensed under this chapter to use his or her tow truck for the towing or otherwise conveying of a vehicle.
- C. No driver, while having the care and control of a tow truck, shall permit any person other than a driver licensed under this chapter to use it for the towing or otherwise conveying of a vehicle.

§ 545-72. Drivers to carry licence.

Every driver and every owner who drives a tow truck shall carry his or her licence issued under this chapter with him or her at all times while he or she is driving a tow truck and shall produce same for inspection when requested to do so by the Municipal Licensing and Standards Division, or any police officer, or by-law enforcement officer.

§ 545-73. Owners to file application in person; motor vehicle permit required.

- A. On every application by an individual person for a tow truck owner's licence or for an endorsement 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. No owner shall be issued a licence under this chapter until he or she has attended at the offices of the Municipal Licensing and Standards Division and produced the Provincial motor vehicle permit issued with respect to such tow truck.

§ 545-74. 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 endorsement thereon or in respect of any tow truck not owned by him or her.

§ 545-75. Sale or disposal of tow truck; use of defective tow trucks prohibited.

- A. A tow truck owner selling or otherwise disposing of his or her tow truck, or replacing his or her tow truck, shall give written notice thereof to the Municipal Licensing and Standards Division within six days of such transaction.

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- B. No tow truck owner shall use or permit to be used a tow truck found unsafe or defective upon examination and inspection as hereinafter provided.
- C. A tow truck owner selling or otherwise disposing of a tow truck shall return the decal number plate or plates, as referred to in § 545-90B of this article, to the Municipal Licensing and Standards Division within six days of such transaction.

§ 545-76. Copy of licence to be kept in tow truck.

The owner of a tow truck shall at all times, while the vehicle is being used as such, keep in the vehicle the licence or licences issued therefor by the Municipal Licensing and Standards Division, or a copy of such licence, and of the endorsement thereon in respect of such tow truck.

§ 545-77. Annual return to be filed.

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 on or before April 30th of each year.

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

- A. Where a limited company is the holder of a tow truck 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 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 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 the transfer of existing shares or by the issue of new shares of a limited company, the controlling interest, as determined by the Municipal Licensing and Standards Division, in a limited company holding a tow truck licence is sold, transferred or acquired, such licence shall be terminated forthwith, and the Municipal Licensing and Standards Division may issue a new licence or licences upon payment of the prescribed fees. The Toronto Licensing Tribunal may refuse to issue a new licence or licences if it determines that it is not in the public interest to do so.

- 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 provided in § 545-77 of this article, and if such 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 living 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 owner's licence.
- E. Every limited company which owns a tow truck shall forthwith 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 of this section.

§ 545-79. Notification of changes in address.

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

§ 545-80. Termination of owner's licence upon sale of tow truck.

No owner's licence shall be transferred but, subject to the provisions of this chapter, an owner may sell his or her 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.

§ 545-81. Daily records to be kept by owners.

Every owner shall keep a permanent daily record of work performed by him or her and the tow truck owned by him or her showing the name and address of every hirer, a description of the vehicle towed or conveyed including the Provincial motor vehicle permit number of any such vehicle, the rate charged and the total charge collected thereon, and the Municipal Licensing and Standards Division shall at all times have access to such records to verify the same.

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§ 545-82. Run-sheets.

- A. Every owner of a tow truck shall give to the driver in charge of the vehicle or, if the owner acts as driver, shall himself or herself carry a run-sheet upon which such driver or owner driving his or her own tow truck shall record the name and address of such owner, the name of the hirer, the date, origin and destination of each trip or service to be performed, the rate or charge assessable under this article, and the Provincial motor vehicle permit number, with respect to every vehicle towed or conveyed.
- B. Run-sheets shall be made in duplicate, in a form approved by the Municipal Licensing and Standards Division, and shall be dated and numbered consecutively.
- C. Every owner shall keep the original copy of all run-sheets referred to in Subsection A for at least 12 months after the services recorded in them are provided, and shall make them available for inspection by the Municipal Licensing and Standards Division, and the Municipal Licensing and Standards Division shall be permitted to remove such records and retain the same for a reasonable time.

§ 545-83. Return of number plates.

Every number plate furnished by the Municipal Licensing and Standards Division shall be returned to the Municipal Licensing and Standards Division whenever required by it.

§ 545-84. Unlawful use of number plates; hearing required.

Every owner who permits a 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 his or her licence should be revoked.

§ 545-85. Agreements or arrangements for surrendering control of tow truck.

Every owner who, pursuant to any agreement or arrangement, gives up to some other person the right to possession and control of the tow truck owned by him or her 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 forthwith notify the Municipal Licensing and Standards Division in writing of the particulars of such agreement or arrangement and, where such agreement or arrangement is in writing, shall file same with the Municipal Licensing and Standards Division.

§ 545-86. Insurance requirements.

- A. Every person who, as the owner of a tow truck, applies for a licence or endorsement thereof under this chapter shall, before receiving such licence, provide or effect and carry with an insurer licensed under the *Insurance Act*⁶⁸ a policy or policies of insurance 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 insurance for each such vehicle 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; [**Amended 2003-04-16 by By-law No. 248-2003**⁶⁹]
 - (2) Insurance in the amount of at least \$25,000 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 attempt threat, malicious mischief, windstorm, hail, explosion, riot, civil commotion or rising water;
 - (3) Comprehensive general liability insurance of \$100,000;
 - (4) Cargo.
 - (a) Cargo liability insurance of \$50,000 to indemnify the licensee against loss by reason of his or her legal liability for direct physical loss or damage to vehicles and goods accepted by the licensee for towing or conveyance caused by:
 - [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.

⁶⁸ Editor's Note: See R.S.O. 1990, c. I.8.

⁶⁹ 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 2003-06-01.

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- [7] Theft of a vehicle or parts thereof 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 as Subsection A(4)(b)[1] to [7] in this section].
 - [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 (whether war be declared or not), civil war, rebellion, revolution, insurrection or military power.
 - [9] Caused by, or resulting from, contamination by radioactive material.
- 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.

§ 545-87. Information to be provided concerning vehicle storage yards.

- A. Every owner and every driver who owns, or has any interest either directly or indirectly in, a motor vehicle pound, a yard or building used for the storage or impounding of motor vehicles, a motor vehicle body shop or other kind of public garage, or any other yard, shop, building or place used for the storage, repair or

servicing of motor vehicles, shall, before receiving his or her licence as owner or driver, provide and file with the Municipal Licensing and Standards Division full information as to the location and size of such yard, shop, building or place, and the facilities provided therein, and as to the kind and extent of his or her interest therein, and shall provide to the Municipal Licensing and Standards Division full particulars of any contract, arrangement, agreement or understanding giving him or her such interest.

- B. Where the owner of a tow truck resides, or has his or her head office or any other business office outside the City of Toronto, or owns or has an interest in any public garage, yard, shop or other place referred to in this section outside the City of Toronto, he or she shall, in addition to the other information required by this chapter to be furnished by him or her, notify the Municipal Licensing and Standards Division of the number and type of any license issued to him or her by any other municipality or licensing authority.

§ 545-88. Drop-fees.

- A. In this article, “drop-fee” means any fee or commission paid to the owner or driver of a tow truck or to a tow truck broker in return for the towing or otherwise conveying of a vehicle to a particular place, other than or in addition to the amount to which the owner or driver of such tow truck is authorized to charge to the hirer in accordance with the provisions of this article.
- B. No owner or driver shall demand, request, accept or receive, directly or indirectly, any charge, gift, payment, drop-fee, thing or other consideration from any person who owns or has an interest, direct or indirect, in any motor vehicle pound, motor vehicle body shop, public garage or any other yard, shop, building or place used for the storage, repair or servicing of motor vehicles, in respect of or in consideration for the towing or conveying of a vehicle to such pound, body shop, public garage, yard, shop, building or place, and no owner or driver shall be a party to any transaction by which any such charge, gift, payment, drop-fee, thing or other consideration is paid or given or is required to be paid or given.
- C. No hirer of a tow truck shall be required or requested, directly or indirectly, to pay any drop-fee or any payment or transaction made or done in contravention of Subsection B of this section.
- D. This section does not prohibit:
 - (1) Any payment for the towing or otherwise conveying of a vehicle owned by the person making such payment, provided that such payment is authorized by this chapter to be charged to such person as hirer.

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- (2) Where the person making the payment is the owner of a tow truck or is a tow truck broker, the payment by him or her to the driver of a tow truck owned or provided by such person, provided that:
 - (a) Full disclosure in writing of such payment and of the services in respect of which it is made, is made to the hirer before any charge is made to him or her in respect of such services; and
 - (b) No charge is made to the hirer or any other person in respect of such services other than as authorized by sections 31, 32, 33, 34 and 35 of this article for the services referred to therein.
- (3) Any payment to an owner or driver for towing or other services, provided that such payment is authorized by this chapter to be charged to the hirer of the tow truck in respect of such services, and is paid on behalf of and at the request of such hirer.

§ 545-89. 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, drop-fee, thing or other consideration in respect of or in consideration for the towing or conveying of a motor vehicle by such owner or operator.

§ 545-90. Identification on tow trucks.

Every owner who has been issued a licence or endorsement under this chapter in respect of a tow truck shall:

- A. Have attached to or painted on both sides of the body of his or her vehicle in a clearly visible position:
 - (1) A sign showing his or her name in letters and figures of not less than eight centimetres in height; and
 - (2) The number on the plate referred to in Subsection B of this section painted in numbers at least 15 centimetres high and of contrasting colour to the colour of such sides.
- B. Have at all times prominently affixed to the rear portion on the outside of the tow truck in a clearly visible position a valid and subsisting decal number plate bearing an identifying number issued by the Municipal Licensing and Standards Division for that particular tow truck.

§ 545-91. Duty of owner to maintain tow truck and equipment; notice to comply.

Every owner licensed under this chapter shall keep every tow truck owned by him or her, and its equipment, clean and in good repair, and whenever he or she receives notice from the Municipal Licensing and Standards Division stating that a tow truck owned by him or her or its equipment is not in a fit or proper condition for use and outlining briefly the items complained of, shall, within the time mentioned in such notice, put the same in a fit and proper condition.

§ 545-92. Equipment to be kept on 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 in a manner 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; and
 - (6) A lamp that produces intermittent flashes of amber light installed on the roof of the tow truck.
- B. No owner shall drive or permit the use for hire of a tow truck owned by him or her unless the said tow truck is fully equipped with the equipment required by Subsection A of this section.
- C. No driver shall drive a tow truck used for hire unless the said tow truck is fully equipped with the equipment required by Subsection A of this section.

§ 545-93. Hoisting device.

The hoisting device required by § 545-92A(1) shall be kept lowered at all times when the tow truck is in motion, unless a vehicle is being towed or conveyed by the tow truck.

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§ 545-94. Driving in reverse.

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

- A. The audible warning system required by § 545-92A(5) is activated; and
- B. The lamp that produces intermittent flashes of amber light required by § 545-92A(6) is activated.

§ 545-95. 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 drive any tow truck that is equipped with a dolly unless the dolly is affixed to the tow truck in a manner that does not obstruct his or her view to the rear of the tow truck.

§ 545-96. Maintenance of tow truck and equipment.

No owner and no driver shall drive or operate or permit to be driven or operated any tow truck unless it 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 § 545-90 of this article.

§ 545-97. Inspection of tow truck and equipment by mechanic; failure to comply.

- A. In this section, "mechanic" means an inspecting mechanic at a motor vehicle inspection station.
- B. Every owner shall submit his or her tow truck and its equipment for examination by a mechanic before a licence is issued in respect thereof, and regularly at least once a year thereafter.
- C. Where there are reasonable grounds to believe that a tow truck or its equipment is mechanically or physically defective, the Municipal Licensing and Standards Division shall give the owner or driver written notice requiring such owner or driver to submit such tow truck for examination by a mechanic within 48 hours.
- D. 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 the tow truck number plate supplied by the Municipal Licensing and Standards Division and shall require the owner or driver to submit the tow truck for examination by a mechanic forthwith.

- E. An owner or driver who fails to submit his or her tow truck and its equipment for examination by a mechanic as required by or pursuant to this section is guilty of an offence.
- F. When a tow truck and its equipment is examined by a mechanic who reports in writing that the tow truck or its equipment is mechanically defective, the owner shall not drive, operate or permit to be driven or operated such tow truck until such mechanic certifies in writing that the physical or mechanical defects so reported are corrected.
- G. When a tow truck is examined by a mechanic who reports in writing that the tow truck or its equipment is dangerous or unsafe and gives his or her reasons therefor, the Municipal Licensing and Standards Division shall immediately remove the tow truck licence plate supplied by the Municipal Licensing and Standards Division, and such plate shall remain removed until such time as the mechanic certifies in writing that the tow truck and its equipment are no longer dangerous or unsafe.

§ 545-98. Suspension of licence for non-inspection.

Where the Municipal Licensing and Standards Division has made an appointment for the inspection of a tow truck or its equipment pursuant to § 545-97 of this article and if such tow truck and equipment are not produced at the time and place appointed for such inspection, the Executive Director or his or her designate may, notwithstanding anything else contained in this chapter, suspend the tow truck owner's licence in respect of such tow truck until such time as the tow truck and its equipment have been tested, inspected and approved.

§ 545-99. Tow trucks to be examined before and after each shift.

Every owner and driver shall, before commencing each work shift, examine for defects any tow truck owned by such owner which is to be driven by such driver during the shift, and shall similarly examine the same at the end of each shift, and every driver shall report forthwith to the owner of such tow truck any defects therein of which he or she is or becomes aware.

§ 545-100. Schedule of rates to be filed; tariff card to be kept in tow trucks; changes to rates.

- A. Subject to §§ 545-102 and 545-103 of this article, every owner of a tow truck shall file with the Municipal Licensing and Standards Division a schedule of rates to be charged to hirers for the towing or other conveyance of vehicles within the City of

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Toronto by every tow truck owned by him or her and for other services offered or performed by him or her or his or her driver, employees or other persons performing services for persons hiring such tow truck.

- B. A copy of a tariff card showing the applicable schedule of rates filed with the Municipal Licensing and Standards Division in accordance with Subsection A of this section showing the charges to be made to hirers of a tow truck for the services of towing or otherwise conveying of any vehicle, or for any other services rendered by the owner or driver of such tow truck shall at all times be kept by the owner of such tow truck in such tow truck, to be shown to the hirer on demand.
- C. A schedule of rates filed with the Municipal Licensing and Standards Division by an owner may not be altered or amended without the consent of the Municipal Licensing and Standards Division unless 30 days' notice of the owner's intention to change such schedule is given to the Municipal Licensing and Standards Division.

§ 545-101. Basis for rates; agreements for lower rates.

- A. The rates filed with the Municipal Licensing and Standards Division as required by § 545-100 of this article shall be based solely on one or more of the following factors or items, or a combination of them:
 - (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:
 - (a) Changing more than one wheel;
 - (b) Disconnecting drive shaft;
 - (c) Uprighting overturned vehicle;
 - (d) Moving vehicle to towing position;
 - (e) Opening locked vehicles without keys;
 - (f) Winching;
 - (g) Provision and use of dolly; and

- (h) Other specified services.
- B. Where rates vary according to time of day or geographical zones, the basis for such variance shall be clearly set out in the schedule of rates filed with the Municipal Licensing and Standards Division.
- C. Where a combination of different factors or items may determine the rate to be charged, the exact formula for determining the rate shall be set out in the schedule of rates filed with the Municipal Licensing and Standards Division.
- D. Subject to §§ 545-102 and 545-103 of this article, no owner or driver shall demand or request payment for his or her services other than in accordance with the applicable schedule of rates filed with the Municipal Licensing and Standards Division.
- E. This article does not prohibit the entering into of a written contract or agreement between the owner of a tow truck or a tow truck broker, and an automobile association, motor league, any government or local board thereof, or any limited corporation, containing a schedule providing for the provision of towing services at rates lower than those shown in the schedule of rates filed by the tow truck owner as required by this article, provided that:
- (1) A copy of such written schedule of rates and the contract or agreement relating thereto 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;
 - (2) Any hirer to which such schedule of rates or such contract or agreement applies is a party to such contract or agreement or is a member or employee of such party at the time at which the services are performed;
 - (3) No owner or driver to whom such contract or agreement applies shall demand or request payment for his or her services other than in accordance with the applicable schedule of rates filed with the Municipal Licensing and Standards Division pursuant to § 545-100 of this article except to the extent to which such rates are modified by the schedule of rates set out in such contract or agreement, in which case the rates contained therein shall be charged;
 - (4) The rates set out in the schedule in any such contract or agreement shall be calculated in the same manner and on the same basis of the same factors as are authorized to be charged to a hirer by §§ 545-100, 545-101 and 545-104 of this article; and
 - (5) The provisions of this chapter relating to the calculations of rates and to the filing and amending of schedules of rates shall apply to the rates and schedules of rates set out in any contract or agreement referred to in this section.

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§ 545-102. Towing of vehicles less than 6,000 pounds from private property; maximum towing and storage charges.

- A. Applicability of section.
- (1) This section applies to the towing, removal or conveyance of vehicles with a gross vehicle weight of 6,000 pounds or less, parked or left standing on private property without the consent of the owner or occupant of such private property.
 - (2) For the purposes of this subsection, “owner” and “occupant” mean respectively an owner or occupant of private property as defined by clause 210(131)(i) of the *Municipal Act*,⁷⁰ as amended.
- B. Where an owner or driver is hired to perform services to which this section applies:
- (1) No owner or driver shall charge a fee exceeding \$88 for such service; **[Amended 2003-04-16 by By-law No. 250-2003⁷¹; 2006-05-25 by By-law No. 392-2006⁷²]**
 - (2) Despite Subsection B(1) of this section, where a vehicle is released to the owner or driver of the vehicle after it has been attached to the tow truck but before it has been removed, towed or conveyed from the private property, no owner or driver shall charge a fee exceeding \$37.50 for such service; and
 - (3) No owner or driver shall charge or permit to be charged by or on behalf of any other person a fee for the storage of such vehicle exceeding \$20 per day for each day or part of a day of storage. **[Amended 2003-04-16 by By-law No. 250-2003⁷³]**
- C. Except when a vehicle is released as described in Subsection B(2), an owner or driver who has been hired to perform a service to which this section applies shall tow, remove or convey the vehicle to a premises or business in respect of which a licence has been issued under this chapter.

§ 545-103. Towing of vehicles less than 6,000 pounds from accidents; maximum fees.

- A. This section applies to the towing, removal or conveyance of motor vehicles with a gross vehicle weight of 6,000 pounds or less from the scene of a motor vehicle accident.
- B. Where an owner or driver is hired to perform services to which this section applies:

⁷⁰ Editor’s Note: See R.S.O. 1990, c. M.45.

⁷¹ Editor’s Note: This by-law came into force 2003-09-01.

⁷² Editor’s Note: This by-law came into force 2006-07-01.

⁷³ Editor’s Note: This by-law came into force 2003-09-01.

- (1) Subject to Subsection B(2) of this section, no owner or driver shall charge or request a fee exceeding \$166 for such services; **[Amended 2003-04-16 by By-law No. 250-2003⁷⁴; 2006-05-25 by By-law No. 392-2006⁷⁵]**
- (2) Despite Subsection B(1) of this section, where a vehicle is towed, removed or conveyed from the scene of an accident on the Queen Elizabeth Way, the Frederick G. Gardiner Expressway, the Don Valley Parkway, Highway No. 400, Highway No. 401, Highway No. 404 or Highway No. 427, no owner or driver shall charge or request a fee exceeding \$188 for such services; and **[Amended 2003-04-16 by By-law No. 250-2003⁷⁶; 2006-05-25 by By-law No. 392-2006⁷⁷]**
- (3) No owner or driver shall charge or request any fee whatsoever in excess of the fees referred to in Subsection B(1) and (2) of this section, and without restricting the generality of the foregoing, no owner or driver shall charge or request any additional fees for or relating to:
 - (a) The towing, removal or conveyance of a vehicle from a Collision Reporting Centre as directed by the hirer;
 - (b) Any clean-up of the scene of the accident;
 - (c) The use of any equipment in relation to the towing, removal or conveyance of the vehicle; and
 - (d) Any service incidental to or arising from the towing, removal or conveyance of the vehicle.

§ 545-104. Final bill when estimate of costs provided.

Notwithstanding the provisions of any other section of this chapter, where an estimate is given to the hirer of the cost of services or equipment to be provided by an owner or driver, the charge to the hirer shall not exceed the lesser of the total charge authorized according to the owner's schedule of rates filed with the Municipal Licensing and Standards Division pursuant to the provisions of this article or the amount of the estimate plus 15% of the amount of such estimate.

⁷⁴ Editor's Note: This by-law came into force 2003-09-01.

⁷⁵ Editor's Note: This by-law came into force 2006-07-01.

⁷⁶ Editor's Note: This by-law came into force 2003-09-01.

⁷⁷ Editor's Note: This by-law came into force 2006-07-01.

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§ 545-105. Bill of services.

- A. Every owner or driver hired to perform or provide services shall, before commencing such services, present to the hirer an itemized bill for such services, in a form approved by the Executive Director.
- B. No owner or driver shall use or present to a hirer any form of bill or invoice except as approved by the Executive Director or his or her designate.

§ 545-106. Owners and drivers to charge rates in compliance with schedule of rates; no collection of rates if tariff card not shown to hirer.

No owner or driver shall, except as otherwise provided in this chapter, be entitled to recover or receive any fee or charge or amount from any person or persons from whom he or she shall have demanded any fee, charge or amount greater or less than those set out in the applicable schedule of rates filed with the Municipal Licensing and Standards Division pursuant to this chapter, or to whom he or she has refused to show his or her tariff card as provided in this chapter.

§ 545-107. 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 the owner or driver thereof.

§ 545-108. Resolution of disputes over charges.

When a dispute arises between an owner or driver and a hirer as to the amount or rates to be paid, the driver or owner may, if such hirer agrees, refer the dispute to the officer in charge of the nearest police station or to such police officer as the parties may agree upon, and if the owner or driver was correct in the demand for payment made by him or her, he or she may add thereto an amount equal to the proper charge under the schedule of rates filed by him or her with the Municipal Licensing and Standards Division for the distance travelled from the place where the dispute arose to the police station, and any reasonable waiting time while the dispute was being investigated.

§ 545-109. Owner or driver to supply schedule of rates.

Every owner or driver shall, upon the request of a hirer or of a person who may become a hirer, provide such person with a copy of the applicable schedule of rates filed with the Municipal Licensing and Standards Division as required by this chapter.

§ 545-110. Owners and drivers to take due care of vehicles and property of hirer.

Every owner and driver shall take due care of all vehicles and property delivered or entrusted to him or her for towing, conveyance or safekeeping.

§ 545-111. Driver to use most direct route.

Every licensed driver shall drive the tow truck towing or otherwise conveying a towed vehicle by the most direct route reasonably possible in the circumstances, and the most expeditious manner, unless otherwise directed by the hirer.

§ 545-112. Duties of owners and drivers upon being hired; solicitation of tow truck services.

- A. No driver or owner driving his or her own tow truck shall commence to tow or otherwise convey any vehicle, or to hook, lift or connect the vehicle to the tow truck, or to perform any other 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 of this section, 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 or convey any vehicle or to perform any services in respect of such vehicle, by the request of one of the persons referred to in Subsection A, shall comply with all reasonable instructions from the said person, and, without limiting the generality of the foregoing, shall tow or convey the vehicle in respect of which he or she is hired to the place designated by the said person.
- C. No owner or driver shall suggest or recommend to any hirer or other person requesting his or her services that any vehicle in respect of which his or her services are given as requested, be towed, conveyed, 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, within 60 metres of the scene of an accident or apparent accident or of any vehicle involved in such accident or apparent accident, solicit, or permit any other person to solicit, any person to hire or otherwise use the services of such owner or driver or the services of any tow truck.
- 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.

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- 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 or park a tow truck within 60 metres of the scene of an accident or apparent accident or of a vehicle involved or apparently involved in such accident or apparent accident, for the purpose of receiving a request referred to in Subsection A.
 - (2) Subsection F(1) shall not be deemed to prohibit the stopping or parking of any tow truck if, at the time of such stopping or parking, there are fewer tow trucks within the sixty-metre distance referred to in that subsection than the number of vehicles for which the services of a tow truck are required.
 - (3) Subsection F(2) shall not be deemed to prohibit the stopping or parking of a tow truck summoned to the scene of the accident by one of the persons referred to in Subsection A.
- G. Despite Subsection A(5) of this article, no driver or owner driving his or her own tow truck shall commence to tow or otherwise convey any vehicle from private property or to hook, lift or connect such vehicle to the tow truck, or to perform any other services in relation to such vehicle without the consent of the owner of the vehicle, unless:
- (1) Subject to Subsection H of this section, a parking infraction notice has first been issued and served in accordance with Part II of the *Provincial Offences Act*, as amended;⁷⁸
 - (2) A Toronto Police Services tow card has first been issued by the municipal law enforcement officer who issued the parking infraction 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 subsection 210(131) of the *Municipal Act*, as amended,⁷⁹ 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 subsection 210(131) of the *Municipal Act*, as amended.⁸⁰

⁷⁸ Editor's Note: See R.S.O. 1990, c. P.33.

⁷⁹ Editor's Note: See R.S.O. 1990, c. M.45.

⁸⁰ Editor's Note: See R.S.O. 1990, c. M.45.

- H. Subsection G(1) of this section does not apply to vehicles which do not bear a number plate issued under the *Highway Traffic Act*, as amended.⁸¹

§ 545-113. Advertising material.

- A. Every tow truck owner shall ensure that 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 owner in the course of such business, bear in clearly legible figures and letters the name and address and Toronto licence number of such owner, and the name of any tow truck broker offering the services of the said tow truck.
- B. Every owner of a tow truck licensed under this chapter shall 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 if and when requested.

§ 545-114. Appearance and behaviour of owners and drivers.

Every driver and every owner shall, in carrying on his or her trade, business or occupation, be properly dressed and shall be civil and well behaved.

§ 545-115. Owners and drivers not to interfere with other owners or drivers.

Where any person has hired or indicated his or her intention to hire any tow truck or the services of any owner or driver in respect thereof, no other owner or driver shall knowingly interfere in any way with any such contract or hiring or the implementation of such intention, except under the direction of a police officer directing the removal of a vehicle by another owner or driver of a tow truck in order to assist in an investigation.

§ 545-116. 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, upon a request made to him or her by the Municipal Licensing and Standards Division or any police officer, provide his or her name, residential address, and business address to the Municipal Licensing and Standards Division or such officer and shall, if he or she is licensed under this chapter as an owner or driver, produce his or her said licence if requested so to do.

⁸¹ Editor's Note: See R.S.O. 1990, c. H.8.

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§ 545-117

§ 545-117. Owners and drivers not to make false representations.

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 as to any other thing, or by making any false representation to such person.

§ 545-118. Removal of vehicles at scene of police investigation.

- A. No owner or 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 such has been made and the investigating officer has completed his or her investigation in respect of such vehicle, or has stated that the presence of such vehicle is no longer required for his or her investigation.
- B. Nothing contained in Subsection A of this section shall prevent the removal or moving of 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.

§ 545-119. Deposit of vehicle at collision reporting centre.

Every owner or driver who tows or conveys a vehicle to a collision reporting centre shall leave such vehicle in a designated area of the collision reporting centre and shall exit the collision reporting centre immediately after having been paid by the owner or operator of the collision reporting centre.

§ 545-120. Compliance with directions of police officers at scene of accident.

Every owner or 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.

§ 545-121. Owners and drivers not to recommend transport of vehicles to repair facilities.

No owner or driver who tows or conveys 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.

§ 545-122. Display of notice concerning prohibition to recommend repair facilities.

- A. Every owner shall, for each tow truck for which he or she holds a licence, keep and maintain therein a notice clearly displaying the words “The tow truck operator 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." [Amended 2002-10-31 by By-law No. 891-2002⁸²]

- B. The notice required by Subsection A shall be displayed at all times in the tow truck such that it is unobstructed and is clearly visible to persons in the passenger seat of the tow truck.
- C. No driver shall operate, and no owner shall permit or cause to be operated, any tow truck unless the notice required by Subsection A is displayed therein in accordance with Subsection B.

ARTICLE VII
Taxicab Brokers

§ 545-123. Records of trips to be kept.

Every taxicab broker shall keep a record of every car dispatched on a trip, the date and time of dispatch, the place of pick-up and destination of such trip and shall retain such record for a period of at least 12 months and shall, at the request of the Municipal Licensing and Standards Division, produce such records for inspection.

§ 545-124. Information to be obtained by taxicab brokers.

- A. Every taxicab broker shall give to the Municipal Licensing and Standards Division a list of all cabs in respect of which he or she has any arrangement or agreement for the accepting of calls for service, identifying such cab by the name of the owner and the number of the plate issued by the Municipal Licensing and Standards Division, and shall, within 48 hours of any addition to or deletion from such list, advise the Municipal Licensing and Standards Division in writing thereof.
- B. Every taxicab broker shall ascertain the name of every driver driving a taxicab in respect of which the said taxicab broker has any arrangement or agreement for the accepting of calls for service, and shall, within 72 hours of the time when such driver first drives such taxicab pursuant to a contract, agreement or arrangement, provide to the Municipal Licensing and Standards Division in writing the driver's said name and the time when he or she commenced to drive the said taxicab.
- C. When a driver described in Subsection B ceases to drive a taxicab due to termination of any contract, agreement or arrangement as described in Subsection B, the taxicab broker shall, within 72 hours of the said termination, notify the Municipal Licensing and Standards Division in writing of the said termination.

⁸² Editor's Note: This by-law came into force 2003-07-01.

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- D. Subject to Subsection F hereof, every taxicab broker shall keep a record showing, in respect of his or her brokerage, the following information:
- (1) The number of calls for taxicab service received;
 - (2) The number of such calls which are not serviced and the reason therefor;
 - (3) A continuous account of the number of taxicabs in active operation having the right to accept calls for service from the said taxicab broker, including the times at which each such taxicab went on the road each day, any time or times thereafter during that day when it was off duty, and the time at which it was last available for service to the public on that day;
 - (4) The number of dispatched calls serviced by each taxicab referred to in Subsection D(3); and
 - (5) A list of all complaints and compliments received concerning taxicab service provided by that broker or his or her brokerage or by taxicabs having the right to accept calls for service from such broker, including, with respect to each complaint or compliment, the following information:
 - (a) The name and taxicab driver's licence number of the driver involved;
 - (b) The name of the person from whom it was received; and
 - (c) A brief description of the allegations contained therein.
- E. Subject to Subsection F hereof, every taxicab broker shall, within seven days of the end of each month, deliver to the Municipal Licensing and Standards Division a copy of the records required to be kept by him or her in accordance with Subsection D of this section in respect of the operation of the said taxicab broker's brokerage during that month.
- F. For the purpose of Subsections D and E of this section, "taxicab" does not include a taxicab belonging to an owner who does not own any other taxicab licensed or required to be licensed under this chapter.
- G. Every taxicab broker shall register with the Municipal Licensing and Standards Division a record showing the amounts of all brokerage fees charged by the taxicab broker. **[Added 2008-06-24 by By-law No. 648-2008]**

§ 545-125. Licences held by corporations; notification of transfer of shares.

- A. Where a corporation is the holder of a taxicab broker's licence or licences, the corporation shall forthwith advise the Municipal Licensing and Standards Division of all transfers of shares of the capital stock thereof.

- B. Where, as a result of the transfer of 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.

§ 545-126. Annual return to be filed.

Every limited liability taxicab broker company shall file, with the Municipal Licensing and Standards Division, an annual return on a form supplied by the Municipal Licensing and Standards Division, on or before February 28 of each year.

§ 545-127. Previous engagements to be kept.

Every taxicab broker licensed under this chapter shall serve the first person requiring the service of his or her brokerage at any place within the City of Toronto at any specified time by day or night, and, if he or she plead some previous engagement, he or she shall upon demand give the name and address of the person to whom he or she is so engaged together with the time and place of such engagement. He or she shall punctually keep all his or her appointments or engagements and shall not accept any engagement that a previous appointment would prevent him or her from fulfilling; provided, however, that he or she shall not be compelled to accept any order from a person who owes him or her for a previous fare or service, unless and until the same be paid.

§ 545-128. Interference with incoming calls.

No taxicab broker shall, having as his or her sole intent the prevention of the reception of incoming calls from the public for taxicab service, remove or permit the removal of the receiver from the hook of any telephone normally used by him or her for the accepting of such calls, and no taxicab broker shall with such intent agree to arrange with any other person to prevent or interfere in any way with the reception of such calls.

§ 545-129. Exclusive concession agreements.

- A. For the purpose of this section, “exclusive concession agreement” includes any agreement, whether or not for valuable consideration, which has for its purpose or effect the granting to any person of a right or licence to provide taxicab service to any public transportation terminal, subway station, hotel, motel, taxicab stand, or to any other place to the exclusion of one or more other taxicabs.
- B. No broker shall enter into or become a party to an exclusive concession agreement.
- C. No broker shall pay, agree to pay, accept, or agree to accept a fee or consideration, or do any other act or thing, pursuant to an exclusive concession agreement.

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§ 545-129.1

§ 545-129.1. Flat rates.

[Added 2003-04-16 by By-law No. 214-2003]

- A. A taxicab broker may enter into flat rate arrangements with charge account customers, provided that the taxicab broker shall not pay any taxicab driver who services a flat rate any less or significantly more than the meter rate for that call.
- B. Any flat rate arrangements entered into by a taxicab broker with charge account customers must, for trips originating within the City of Toronto, excluding the area bounded by Kipling Avenue on the east, Finch Avenue on the north, Eglinton Avenue on the south and the western boundary of the City of Toronto, and terminating at Lester B. Pearson International Airport, be in accordance with Appendix M, Taxi Tariffs from the City of Toronto to Lester B. Pearson International Airport. **[Added 2007-09-27 by By-law No. 1082-2007]**

ARTICLE VIII
Owners and Drivers of Cabs

§ 545-130. Definitions.

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

ACCESSIBLE TAXICAB — A taxicab used exclusively for the provision of taxicab services to persons with disabilities.

ACCESSIBLE TAXICAB TRAINING COURSE — The accessible taxicab training course approved by the Executive Director.

AMBASSADOR TAXICAB — A taxicab in respect of which a licence is first issued after July 29, 1999, but does not include a taxicab in respect of which a licence is issued as a result of a sale of a standard taxicab.

AMBASSADOR TAXICAB TRAINING COURSE — The ambassador taxicab training course approved by the Executive Director.

DRIVER — A driver of a cab who is licensed as such or required to be licensed as such under this chapter, and includes an owner who drives a cab.

DRIVERS' LIST — The list maintained by the Municipal Licensing and Standards Division in accordance with § 545-133 of this article.

FLEET — Any number of standard taxicabs or livery cabs in excess of one owned by the same owner.

HIS OR HER CAB and HIS OR HER TAXICAB:

- A. When used in reference to an owner, refers to a cab in respect of which such owner is licensed under this chapter.

- B. When used in reference to a driver, refers to a cab driven or otherwise operated by such driver.
- C. When used in reference to a person operating or exercising rights over a taxicab pursuant to a notice of designated custodian, a notice of designated agent, or a lease, refers to the relationship between such person and such taxicab.

INDIVIDUAL PERSON — A natural person.

NOTICE OF DESIGNATED AGENT — A notice filed with the Municipal Licensing and Standards Division in accordance with § 545-144, and “designated agent” means a person designated under such notice.

NOTICE OF DESIGNATED CUSTODIAN — A notice filed with the Municipal Licensing and Standards Division in accordance with § 545-143, and “designated custodian” means a person designated under such notice.

OWNER — Owner of a cab or of cabs licensed as such or required to be licensed as such under this chapter.

PASSENGER — Any person in a cab other than the driver.

SALE — The sale of one or more standard taxicabs or livery cabs in respect of which licences are issued under this chapter, accompanied by an application to the Municipal Licensing and Standards Division for the issue of new licences.

SALE OF A STANDARD TAXICAB — Includes the sale or transfer, by one or more transactions, of the controlling interest in a corporation referred to in § 545-151 of this article and any transaction or transactions by which such controlling interest is acquired.

STANDARD TAXICAB — A taxicab in respect of which a taxicab owner’s licence was issued prior to July 29, 1999, and includes all taxicabs in respect of which licences are issued as a result of a sale of a standard taxicab, regardless of when such licences are issued.

TO OPERATE — When used in reference to a cab, includes to drive a cab, and to make a vehicle available to the public for use as a cab but does not include the services performed by a taxicab broker licensed under this chapter.

YEAR DATE — The figures appearing under the heading “year” in the description of motor vehicle portion of the current Ontario Ministry of Transportation passenger motor vehicle permit for any vehicle.

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§ 545-131

§ 545-131. Issuance and renewal of cab driver's licences.

- A. Additional information to be filed with application for driver's licence; temporary cab driver's licence.
- (1) In addition to any information required to be furnished under this chapter, every applicant for a licence as a driver:
 - (a) Shall produce a valid driver's licence with his or her application;
 - (b) 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;
 - (c) Shall be examined by the Municipal Licensing and Standards Division as to his or her knowledge of skills relating to taxicab driving as set out in a curriculum approved by the Executive Director or his or her designate; and
 - (d) Before being examined, shall pay to the Municipal Licensing and Standards Division the prescribed examination fee.
 - (2) Except as provided in this section, no owner shall be granted a cab driver's licence.
 - (3) An owner who has complied with the provision of Subsection A(1) of this section and whose licence has been so endorsed by the Municipal Licensing and Standards Division may act as driver of:
 - (a) Any cab of which he or she is the owner; and
 - (b) Any other cab unless he or she has not completed the five-year term of probation attached to an owner's licence issued to a person on the drivers' list referred to in § 545-133B of this article.
 - (4) Notwithstanding Subsection A(3)(b) of this section, an owner who has not completed the five-year term of probation referred to therein, who ordinarily drives his or her cab on a regular shift basis, and whose cab is temporarily out of operation due to damage caused by an accident or due to mechanical breakdown, may, upon application to the Municipal Licensing and Standards Division, be issued a temporary cab driver's licence authorizing him or her to drive a cab not owned by him or her until his or her own cab can be returned to service, provided that the applicant:

- (a) Attends at the office of the Municipal Licensing and Standards Division, completes the prescribed form of application for such licence and pays the prescribed fee therefor;
 - (b) Provides proof, in a form satisfactory to the Municipal Licensing and Standards Division, that his or her cab cannot be operated, together with the reasons therefor; and
 - (c) Subject to § 545-137B of this article, turns in the cab owner's licence, picture card and taxicab plate issued to him or her by the Municipal Licensing and Standards Division.
- (5) Every owner to whom a temporary driver's licence is issued under this section shall, forthwith upon his or her cab being repaired and operable as a taxicab, reattend with the cab at the Municipal Licensing and Standards Division office, and provide to the Municipal Licensing and Standards Division a certificate of mechanical fitness, at which time his or her temporary cab driver's licence issued to him or her under this subsection shall expire and his or her licence, picture card and plate may be returned to him or her.
- (6) A cab owner who has been issued a temporary cab driver's licence under Subsection A(4) may, during the subsistence of such licence, drive any taxicab in respect of which the owner is licensed by the Municipal Licensing and Standards Division, and any motor vehicle for which spare plates have been issued to him or her under § 545-137B of this article.
- (7) The Toronto Licensing Tribunal may revoke a temporary driver's licence for failure by the licensee to comply with the provisions of this section or for any other cause authorized by law.
- B. Training courses required prior to renewal of driver's licences.
- (1) Every applicant for the renewal of a licence as a driver shall: **[Amended 2003-02-07 by By-law No. 93-2003⁸³]**
- (a) Attend and successfully complete the taxicab driver's refresher training course provided by the Municipal Licensing and Standards Division once every four consecutive years, which course shall address skills relating to taxicab driving as set out in a curriculum approved by the Executive Director or his or her designate; and
 - (a.1) Until the end of 2007, where an applicant for renewal of a licence as a driver that is endorsed with an accessible taxicab licence is required to attend the taxicab driver's refresher training course under Subsection B(1)(a), he or she must also attend an additional day of training to

⁸³ Editor's Note: This by-law comes into force 2003-03-08.

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review accessible operator best practices. **[Added 2005-10-28 by By-law No. 903-2005]**

- (b) Subject to Subsection B(2) of this section, successfully complete a one-day first aid and cardiopulmonary resuscitation course provided by the Ambulance Services Division of the City of Toronto's Works and Emergency Services Department, or by such other agency as may be approved by the Executive Director, once every four consecutive years.
 - (2) Subsection B(1)(b) of this section does not apply to any driver who is unable to attend the course prescribed therein due to health reasons and who files with the Municipal Licensing and Standards Division a medical certificate or report from a qualified medical practitioner stating that such driver is unable to attend the course due to health reasons.
- C. Examination requirements prior to licence renewal.
- (1) Where a person previously licensed as a driver fails to renew his or her licence for more than three consecutive years, such person shall be examined in accordance with Subsection A(1)(c) and (d) of this section.
 - (2) Where a person previously licensed as a driver fails to renew his or her licence for any period up to and including three years, such person shall be examined in accordance with Subsection A(1)(c) and (d) of this section but shall not be required to attend any classes or courses in relation to such examination.
 - (3) Despite Subsection C(1) and (2) of this section, the Executive Director or his or her designate may, for compassionate reasons only:
 - (a) Exempt any person from Subsection C(1) and (2) of this section; or
 - (b) Direct that the licence be renewed on the condition that the applicant comply with Subsection C(1) or (2) of this section as soon as possible.

§ 545-131.1. Training courses required prior to renewal of owner's licences.

[Added 2003-02-07 by By-law No. 93-2003⁸⁴]

- A. Every applicant for the renewal of an owner's licence shall attend and successfully complete the taxicab owner's refresher training course once every four consecutive years, which course shall address knowledge relating to taxicab management as set out in a curriculum approved by the Executive Director or his or her designate.
- B. Subsection A does not apply to any owner who is unable to attend the course prescribed therein due to health reasons and who files with the Municipal Licensing and Standards Division a medical certificate or report from a qualified medical

⁸⁴ Editor's Note: This by-law comes into force 2003-03-08.

practitioner stating that such owner is unable to attend the course due to health reasons.

§ 545-132. Issuance of taxicab owner's licences.

- A. No taxicab owner's licence may be issued except in accordance with §§ 545-132B and M, 545-142A and B and 545-151 of this article.
- B. Subject to this article, ambassador taxicab licences may be issued to:
 - (1) Persons on the drivers' list; and
 - (2) An owner of a standard taxicab who wishes to obtain the issuance of an ambassador taxicab licence by converting his or her standard taxicab licence to an ambassador taxicab licence in accordance with Subsection C of this section.
- C. Issuance of ambassador taxicab licence to owner of standard taxicab licence.
 - (1) An owner of a standard taxicab who has met the requirements of § 545-131A(1) of this article and whose licence has been endorsed to permit him or her to drive a taxicab may, upon application to the Municipal Licensing and Standards Division, be issued an ambassador taxicab licence, and upon the issuance of such ambassador taxicab licence, such owner's standard taxicab licence shall be terminated.
 - (2) An owner of a standard taxicab licence shall not be issued an ambassador taxicab licence unless such owner complies with all other provisions of this chapter applicable to the operation of an ambassador taxicab and successfully completes the ambassador taxicab training course within the three-year period immediately prior to the issuance of the said ambassador taxicab licence.
 - (3) An owner whose standard taxicab licence has been terminated in accordance with Subsection C(1) of this section may, upon application to the Municipal Licensing and Standards Division, be issued a standard taxicab licence, and upon the issuance of such standard taxicab licence, such owner's ambassador taxicab licence shall be terminated.
- D. Limitation on number of ambassador taxicab licences issued to qualified persons.
 - (1) In this section "qualified persons" means persons who:
 - (a) Successfully complete the ambassador taxicab training course;
 - (b) Pay the prescribed fee for attendance at the ambassador taxicab training course, plus any applicable taxes;

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- (c) Comply with all provisions of this chapter applicable to the operation of an ambassador taxicab; and
 - (d) Are entitled to the issuance of a licence in accordance with this chapter.
 - (2) The Municipal Licensing and Standards Division shall issue no more than 1,403 ambassador taxicab licences to qualified persons on the drivers' list. **[Amended 2003-04-16 by By-law No. 215-2003]**
 - (3) Despite Subsection D(2), in 2003 the Municipal Licensing and Standards Division shall issue no more than 420 ambassador taxicab licences to qualified persons on the drivers' list. **[Added 2003-04-16 by By-law No. 215-2003]**
 - (4) Despite Subsection D(2), in 2004 the Municipal Licensing and Standards Division shall issue no more than 208 ambassador taxicab licences to qualified persons on the drivers' list. **[Added 2003-04-16 by By-law No. 215-2003]**
 - (5) Despite Subsection D(2), in 2005 the Municipal Licensing and Standards Division shall issue no more than 213 ambassador taxicab licences to qualified persons on the drivers' list. **[Added 2003-04-16 by By-law No. 215-2003]**
- E. Notice of election.
- (1) In this section, "notice of election" means a notice of election form approved by the Executive Director, describing the elections available under Subsection F of this section.
 - (2) When a person on the drivers' list is eligible for the issuance of an ambassador taxicab licence or an accessible taxicab licence by reason of such person's position on the drivers' list, the Municipal Licensing and Standards Division shall notify such person of such eligibility by a notice in writing sent by regular pre-paid mail to such person's last known address on file with the Municipal Licensing and Standards Division.
 - (3) The notice referred to in Subsection E(2) of this section shall include:
 - (a) The date of the next available ambassador taxicab training course; and
 - (b) A notice of election.
- F. A person on the drivers' list who is eligible for the issuance of an ambassador taxicab licence or accessible taxicab licence by reason of such person's position on the drivers' list shall, within 30 days of the date of the notice prescribed by Subsection E(2) of this section, elect to attend the next available ambassador taxicab training course, or elect to defer attendance at the ambassador taxicab

training course for a period of one year, or elect not to attend the ambassador taxicab training course by completing a notice of election and filing it with the Municipal Licensing and Standards Division.

- G. Election to defer attendance at the ambassador taxicab training course.
- (1) A person who fails to make the election referred to in Subsection F of this section shall be deemed to have elected to defer attendance at the ambassador taxicab training course for a period of one year.
 - (2) A person who has elected to defer attendance at the ambassador taxicab training course shall retain his or her position on the drivers' list unless such person has deferred attendance more than twice, in which case such person shall be repositioned to the bottom of the drivers' list.
 - (3) A person who has elected not to attend the ambassador taxicab training course shall be struck from the drivers' list.
 - (4) A person who elects to attend the next available ambassador taxicab training course shall, prior to registering for the said course, attend in person at the offices of the Municipal Licensing and Standards Division and shall complete the prescribed forms.
 - (5) A person who elects to attend the next available ambassador taxicab training course but does not register for the said course or does not meet the minimum attendance requirement of the said course shall be deemed to have elected to defer attendance at the ambassador taxicab training course for a period of one year.
- H. Failure of ambassador taxicab training course.
- (1) A person on the drivers' list who fails the ambassador taxicab training course shall retain his or her position on the drivers' list and may re-attend at the next available ambassador taxicab training course or, if eligible to do so, may re-take the ambassador taxicab training course examinations at the next available ambassador taxicab training course.
 - (2) Despite Subsection H(1) of this section, a person on the drivers' list who fails the ambassador taxicab training course more than once, or who does not re-attend at the said course or re-take the examinations in accordance with Subsection H(1) of this section, shall be struck from the drivers' list.
- I. Time limit to start operation of ambassador taxicab after completing training course.
- (1) An applicant on the drivers' list shall, within 90 days of completing the ambassador taxicab training course, comply with all other provisions of this

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- chapter pertaining to the operation of an ambassador taxicab and shall commence operating his or her ambassador taxicab.
- (2) Subject to Subsection I(3) of this section, an applicant who fails to commence operating his or her ambassador taxicab within the ninety-day period prescribed by Subsection I(1) of this section shall be re-positioned to the bottom of the drivers' list.
 - (3) An applicant may, prior to the expiry of the ninety-day period prescribed by Subsection I(1) of this section, apply to the Toronto Licensing Tribunal for an extension of such ninety-day period, which extension shall not be granted unless the applicant satisfies the Toronto Licensing Tribunal that his or her failure to comply fully with the provisions of Subsection I(1) of this section is the result of illness, injury or pregnancy.
- J. Ambassador taxicab licence non-transferable.
- (1) Notwithstanding any other provision of this chapter, the owner of an ambassador taxicab licence shall not lease, transfer, or sell his or her ambassador taxicab or give up possession, custody or control of such taxicab or allow any other person to manage or operate such ambassador taxicab.
 - (2) Notwithstanding any other provision of this chapter, no owner or driver shall have possession, custody or control of an ambassador taxicab or manage or operate an ambassador taxicab not owned by such owner or driver.
- K. The number of standard taxicab owners' licences which may be issued under this chapter shall not exceed the number issued as of July 29, 1999.
- L. Subject to §§ 545-132C(3), 545-142A and B and 545-151 of this article, when a standard taxicab owner's licence is revoked, cancelled or otherwise terminated, such licence shall not be re-issued.
- M. Restriction on number of accessible taxicab licences issued.
- (1) Definitions. As used in this section, the following terms shall have the meanings indicated:
QUALIFIED PERSONS — Persons who:
 - (a) Successfully complete the accessible taxicab training course;
 - (b) Pay the prescribed fee for attendance at the accessible taxicab training course, plus any applicable taxes;
 - (c) Comply with all provisions of this chapter applicable to the operation of an accessible taxicab;

- (d) Provide proof, satisfactory to the Municipal Licensing and Standards Division, that his or her accessible taxicab will be used exclusively for the provision of taxicab services to persons with disabilities; and
- (e) Are otherwise entitled to the issuance of a licence in accordance with this chapter.

QUALIFIED TAXICAB BROKERAGES — Taxicab brokerages which:

- (a) Are licensed as taxicab brokerages pursuant to this chapter;
 - (b) Are approved by the Toronto Transit Commission for the operation of accessible taxicabs pursuant to a contract with the Toronto Transit Commission; and
 - (c) Are otherwise entitled to the issuance of a licence in accordance with this chapter.
- (2) The Municipal Licensing and Standards Division shall issue no more than 50 accessible taxicab licences in the year 2000 and no more than 25 accessible taxicab licences in the year 2001 to qualified persons on the drivers' list.
 - (3) In the event that the maximum number of accessible taxicab licences which may be issued pursuant to Subsection M(2) of this section is not issued to qualified persons on the drivers' list, the Municipal Licensing and Standards Division shall issue the remaining licences to qualified taxicab brokerages.
 - (4) The Municipal Licensing and Standards Division shall not issue any licence pursuant to Subsection M(3) of this section unless the application for same was made prior to May 30, 2001, and unless the applicant qualified for the issuance of the licence and paid the applicable licence fee prior to May 30, 2001.
 - (5) The Municipal Licensing and Standards Division shall issue no more than 10 accessible taxicab licences in each of the years 2005, 2006 and 2007. **[Added 2005-05-19 by By-law No. 373-2005]**

N. Leasing accessible taxicabs.

- (1) Subject to Subsection N(2) of this section, notwithstanding any other provision of this chapter, the owner of an accessible taxicab shall not lease, transfer, or sell his or her accessible taxicab, or give up possession, custody or control of such taxicab, or allow any other person to manage or operate such accessible taxicab.
- (2) Despite Subsection N(1) of this section, the owner of an accessible taxicab may permit up to three licensed taxicab drivers who have successfully

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completed the accessible taxicab training course to drive such owner's taxicab on a shift basis, subject to the following conditions:

- (a) Every owner who was granted a licence pursuant to Subsection M(2) of this article shall drive his or her taxicab on a full-time basis;
- (b) Every owner shall ensure that every driver engaged to drive his or her accessible taxicab returns such taxicab to such owner at the conclusion of each shift;
- (c) Every owner shall keep and maintain a list of all persons driving his or her accessible taxicab; and
- (d) Every owner shall ensure that every driver of his or her accessible taxicab is properly licensed under this chapter.

O. Standard taxicabs endorsed as accessible taxicabs.

- (1) An owner of a standard taxicab who, as of the date of the enactment of this chapter, operates his or her standard taxicab as an accessible taxicab may continue to operate such standard taxicab as an accessible taxicab if the vehicle used for such taxicab meets the standards prescribed by § 545-140E of this article, and his or her licence has been so endorsed by the Municipal Licensing and Standards Division.
- (2) Every driver of a standard taxicab in respect of which the owner's licence has been endorsed as an accessible taxicab in accordance with Subsection O(1) of this section shall, within six months of the date of the enactment of this chapter, successfully complete the accessible taxicab training course.
- (3) No owner of a standard taxicab whose licence has been endorsed as an accessible taxicab shall permit any driver to operate his or her taxicab unless such driver successfully completes the accessible taxicab training course in accordance with Subsection O(2) of this section.
- (4) Except as provided in this section, an owner of a standard taxicab whose licence has been endorsed as an accessible taxicab shall be deemed to be the owner of a standard taxicab for the purposes of this chapter.

§ 545-133. Drivers' list.

A. Procedures.

- (1) The Municipal Licensing and Standards Division shall keep a list of the taxicab drivers desiring to obtain an ambassador taxicab licence or an accessible taxicab licence, and such drivers' list shall be open and accessible to the public, and, subject to all other conditions and qualifications set out elsewhere in this chapter, when the number of ambassador taxicab licences or

accessible taxicab licences is to be increased amongst the persons on the drivers' list, priority shall be given by order of seniority of application.

- (2) No person shall be placed on the drivers' list unless and until the following qualifications are met:
 - (a) The applicant is not at the time of the application licensed as an owner and has not been so licensed for a period of five years immediately preceding the application;
 - (b) The applicant is not, and has not been during the period of five years immediately preceding the application, a shareholder or partner in any company or firm having an interest, whether direct or indirect, in an owner's licence; and
 - (c) Neither the applicant, nor any corporation in which he or she holds or has ever held a controlling interest, nor any partnership in which he or she is or ever has been a partner, has been granted a taxicab owner's licence from any list established pursuant to this chapter or any predecessor thereof;
 - (d) Subject to Subsection A(8) of this section, the applicant is and has been licensed as a driver continuously by the Municipal Licensing and Standards Division without revocation, lapse, or suspension for at least three years immediately preceding the application, and has been continuously, and is presently, earning a living in the City of Toronto (on a full-time basis and not on a part-time basis) as a driver during the whole of such three-year period.
- (3) Every person applying to be placed on the drivers' list shall, at the time of application, file with the Municipal Licensing and Standards Division a statutory declaration on a form supplied by the Municipal Licensing and Standards Division setting out:
 - (a) The name of every employer of the applicant during the three years immediately preceding the application; and
 - (b) The amount of income earned from employment as a driver during the three years immediately preceding the application, and the amount of income from all other sources during such period.
- (4) Every person on the drivers' list shall on or before the 30th day of April in every year thereafter file with the Municipal Licensing and Standards Division a statutory declaration on a form supplied by the Municipal Licensing and Standards Division setting out the information referred to in Subsection A(3)(a) and (b) of this section, with respect to the preceding year.
- (5) Information concerning employers and tax returns to be supplied annually.

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- (a) Every person on the drivers' list shall:
 - [1] On or before the 30th day of April in every year thereafter, file with the Municipal Licensing and Standards Division a statement in writing signed by every person by whom he or she was employed, or provided service to, as a taxicab driver, indicating the period of such employment or during which such services were provided; and
 - [2] Upon request, in writing, from the Municipal Licensing and Standards Division, file with the Municipal Licensing and Standards Division a copy of part of his or her income tax return for the preceding year in the form in which it was submitted to the federal government. The required part shall be restricted to name, address, date of birth, employer, those lines related to sources of income and, if submitted to the federal government, the statement of income and expenditure for the year.
- (b) No owner, broker, dispatcher or other person shall fail or refuse to comply with a request by a driver for a written statement referred to in Subsection A(5)(a)[1] of this section.
- (c) Requests made under Subsection A(5)(a)[2] of this section shall be limited to conduct an audit of no more than 10 percent of all statutory declarations, as referred to in Subsection A(3) and (4) of this section, filed with the Municipal Licensing and Standards Division in any given year.
- (6) Reasons for removal from drivers' list.
 - (a) An applicant on the drivers' list shall cease to continue to be eligible for an ambassador taxicab licence or an accessible taxicab licence and shall be struck off the drivers' list if at any time thereafter but before an ambassador taxicab licence or accessible taxicab licence has been issued:
 - [1] The applicant acquires, by purchase or otherwise, an owner's licence or an interest of any kind, whether direct or indirect, in an owner's licence or becomes or remains a shareholder in, or a partner in, or acquires or retains some other interest in, a company or firm which holds or acquires an owner's licence; or
 - [2] Subject to Subsection A(9) of this section, the applicant's licence as a driver lapses or is revoked; or
 - [3] Subject to Subsection A(8) of this section, the applicant ceases to earn a living in the City of Toronto on a full-time basis as a driver,

provided that a driver whose licence has been suspended under this chapter shall be deemed not to cease to earn a living on a full-time basis as a driver during the period of suspension; or

- [4] The applicant fails to file with the Municipal Licensing and Standards Division any of the documents required by Subsection A(4) or (5) of this section.
- (a.1) For the purposes of this section, the pecuniary interests of a spouse or same-sex partner of an applicant shall be deemed to also be the pecuniary interests of the applicant. **[Added 2003-05-23 by By-law No. 369-2003]**
- (b) An applicant who has been struck off the drivers' list shall be notified of such action forthwith by the Municipal Licensing and Standards Division by letter addressed to the applicant at the last address of record furnished by the applicant to the Municipal Licensing and Standards Division.
- (7) Notwithstanding Subsection A(1), where the licence of a taxicab driver on the drivers' list is suspended under this chapter, the seniority of his or her application for an ambassador taxicab licence or an accessible taxicab licence shall be reduced by a period of time equivalent to the period of the suspension imposed by the Toronto Licensing Tribunal under this chapter, or one year if the suspension is under § 545-134A(2) of this article; and the provisions of this section shall apply, mutatis mutandis, to any subsequent suspension.
- (8) Excusable interruption in service.
- (a) Where an applicant satisfies the Toronto Licensing Tribunal that his or her failure to comply fully with the provisions of Subsection A(5) or A(6)(a)[3] of this section is the result of illness or injury and is entirely beyond the control of the applicant and that the interruption in service is not in all the circumstances excessive, the Toronto Licensing Tribunal may deem the employment service of the applicant to be uninterrupted.
- (b) Subject to Subsection A(8)(c) of this section, where an applicant satisfies the Toronto Licensing Tribunal that failure to comply fully with the provisions of Subsection A(5) or A(6)(a)[3] of this section is the result of the applicant's pregnancy and that the interruption in service is not more than six consecutive months, the Toronto Licensing Tribunal may deem the employment service of the applicant to be uninterrupted.
- (c) For the purposes of Subsection A(8)(b) of this section, an applicant shall, within 30 days of returning to earning a living on a full-time basis as a driver, file with the Municipal Licensing and Standards Division a

written statement signed by a duly qualified medical practitioner, confirming the period of time during which the applicant was pregnant.

- (9) The Toronto Licensing Tribunal may, if it deems the employment service of an applicant to be uninterrupted for or during a particular period of time under Subsection A(8) of this section, deem, for the purpose of permitting such applicant to remain on the drivers' list, that his or her licence as a driver has not lapsed during the said period.
- (10) Notwithstanding the enactment of By-law No. 478-1999 on July 29, 1999, the drivers' list established pursuant to section 65 of Schedule 8 to By-law No. 20-85 in force prior to the enactment of By-law No. 478-1999 shall be taken up and continued under and in conformity with this Subsection A of this section.
- (11) Applicability of prior by-laws to fleet managers and dispatchers.
- (a) Notwithstanding the enactment of By-law Nos. 77-87 and 478-1999, and subject to Subsection A(11)(b) of this section, the provisions of sections 65 and 66 of Schedule 8 to By-law No. 20-85, as amended, in force prior to the enactment of By-law No. 77-87, shall remain applicable to every person licensed as a driver under this chapter who is employed as a dispatcher or fleet manager as of the date of the enactment of By-law No. 77-87.
- (b) For the purposes of this subsection only:
- [1] Any reference in section 65 of Schedule 8 to By-law No. 20-85, as amended, to fleet manager for a corporate owner shall be deemed to include reference to a fleet manager.
- [2] Reference in paragraph 66(1)(b) of Schedule 8 to By-law No. 20-85, as amended, to dispatcher is deemed to include reference to a fleet manager.
- B. Notwithstanding the enactment of By-law No. 478-1999 on July 29, 1999, the provisions of subsections 66(1) and (2) and section 69 of Schedule 8 to By-law No. 20-85, as amended, in force prior to the enactment of the said by-law, shall remain applicable to every person to whom a taxicab owner's licence was issued on a probationary basis.

§ 545-134. General provisions respecting licences and licence applications.

- A. Command of English language; passenger vehicle driver's licence to be maintained.
- (1) Every owner not being a corporation and every driver shall be able to speak, read and write the English language.

- (2) Every driver, every owner of an ambassador taxicab and every other owner driving his or her own cab shall have and maintain in good standing at all times an unrestricted and fully privileged passenger vehicle driver's licence issued by the Province of Ontario, and the cab driver's licence, ambassador taxicab licence, and the driving privileges of an owner conferred under this chapter shall, for all purposes of this chapter, be conclusively deemed suspended during any period in which such driver's licence is under suspension.
- B. Every owner who drives his or her cab and every driver shall be of the full age of 18 years or over.
- C. Owners and drivers to be licensed.
 - (1) No driver shall drive or act as driver of any cab unless the owner of such cab is licensed under this chapter as a cab owner with respect to such a cab.
 - (2) Subject to § 545-131B of this article, no owner of a livery cab or a standard taxicab shall permit or allow any person other than a licensed driver to operate his or her cab.
 - (3) No driver, while having the care and control of a livery cab or a standard taxicab, shall permit any person other than the owner or an employee of the owner of such cab to drive it.
- D. Every owner of more than one cab required to be licensed under this chapter shall take out a separate licence for each cab.
- E. Every driver and owner shall carry his or her licence with him or her at all times while operating a cab and shall produce same for inspection when requested to do so by the Municipal Licensing and Standards Division or a police officer.
- F. No owner shall by any arrangement or agreement permit any cab not owned by him or her to be driven under the authority of an owner's licence issued to him or her.
- G. Every limited liability taxicab company shall file with the Municipal Licensing and Standards Division an annual return on a form supplied by the Municipal Licensing and Standards Division, on or before February 28 of each year.
- H. Medical examination of owner or driver.
 - (1) Where there are reasonable grounds to believe that, by reason of illness, injury or any other physical or mental impairment, the conduct of an owner or 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 owner or 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

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Licensing and Standards Division or the Toronto Licensing Tribunal, as the case may be.

- (2) Every driver and every owner who drives his or her own cab shall produce to the Municipal Licensing and Standards Division, 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 licensee is fit to drive a cab, provided that, subject to Subsection H(1) hereof, no such certificate shall be required by the Municipal Licensing and Standards Division pursuant to this section more than once every three years.

§ 545-135. Taximeters.

- A. Every owner shall have affixed to each taxicab in respect of which such owner is licensed a taximeter which shall register distances travelled, record trips and units, and compute fares to be paid, and each taximeter shall be:
 - (1) Submitted for the testing, inspection and sealing by a person designated by the Executive Director at the times required by such person for such purpose;
 - (2) Illuminated between sunset and sunrise;
 - (3) In a raised position in plain view of the passengers and approved by the Executive Director or his or her designate;
 - (4) Adjusted in accordance with the rates prescribed by Appendix C at the end of this chapter, "Tariff A";
 - (5) Tested by running the cab to which it is attached over a measured track or distance before being sealed, or by such mechanical means as the Executive Director or his or her designate may approve;
 - (6) Used only when the seal thereon is intact;
 - (7) Kept in good working condition at all times and not used when defective in any way;
 - (8) Numbered and, subject to the provisions of this chapter, shall be of a make and model approved by the Executive Director or his or her designate;
 - (9) Equipped with a luminous yellow or illuminated metal plate or flag attached to the top thereof or a light on the top thereof clearly visible from any direction outside the cab, which plate, flag or light shall be approved by the Executive Director or by his or her designate; and

- (10) (Reserved)⁸⁵
- (11) Programmed to record the income of each driver of the taxicab.
- B. The taximeter referred to in Subsection A of this section shall be set up in such a manner that:
 - (1) When the said taximeter is in operation:
 - (a) If it is equipped with a plate or flag, such plate or flag shall be in a lowered position; or
 - (b) If it is equipped with a light on the top thereof, such light shall be illuminated; and
 - (c) The electric sign referred to in § 545-136E(1)(e) of this section shall be extinguished.
 - (2) When the said taximeter is not in operation:
 - (a) If it is equipped with a plate or flag, such a plate or flag shall be in a raised position clearly visible from any direction outside the cab; or
 - (b) If it is equipped with a light on top thereof, such light shall be extinguished; and
 - (c) The electric sign referred to in § 545-136E(1)(e) of this section shall be illuminated.
- C. Taximeter to be operational and tested.
 - (1) No driver or owner of a cab equipped with a taximeter shall operate or permit to be operated any such cab:
 - (a) Unless and until the taximeter has been tested and sealed by a person designated by the Executive Director, hereinafter called the “meter tester”;
 - (b) When the taximeter or the taximeter seal has been changed, repaired, altered, adjusted or broken, unless and until the taximeter has been subsequently tested and sealed by the meter tester;
 - (c) When any object within the cab obstructs the view from any direction outside the cab of the light referred to in Subsection A(9) of this section or of the metal plate or flag referred to in the same subsection while such plate or flag is in the raised position;

⁸⁵ Editor’s Note: Former § 545-135A(10), regarding automatic receipt dispensers, was repealed 2003-06-26 by By-law No. 523-2003.

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- (d) Unless the electric sign referred to in § 545-136E(1)(e) of this section is operating in the manner prescribed in Subsection B of this section; or
 - (e) Unless the taximeter is illuminated between sunset and sunrise.
 - (f) (Reserved)⁸⁶
- (2) If a taximeter is repaired or altered when the meter tester is off duty, the cab to which such taximeter is affixed may be operated without the taximeter having been tested or sealed, until the meter tester is again on duty, but only if the owner or driver of such cab has in his or her possession a certificate from the person who made the repairs or alteration stating the time, date and nature thereof and the place where the work was done and such certificate has been countersigned by the officer in charge of the police station nearest to such place.

§ 545-136. Signs, advertising, equipment and markings.

- A. Every driver and every owner shall at all times when driving a cab have his or her photograph and name affixed in a place in the cab approved by the Executive Director or his or her designate in such manner that the same is plainly visible to and readable by passengers in the back seat.
- B. Every owner shall submit to the Municipal Licensing and Standards Division every plate, poster, handbill, card, novelty or other matter used to advertise his or her cab business, and no such advertising matter shall be used or published until approved by the Municipal Licensing and Standards Division.
- C. No owner or driver shall permit his or her services or the services of his or her cab to be advertised in any way, except by himself or herself, or by some licensed owner with whom he or she is associated.
- D. Application for approval of form of advertising. [**Amended 2005-05-19 by By-law No. 374-2005**]
 - (1) No owner of a taxicab shall display or permit the display of advertisements on or in his or her taxicab until an application for approval of that form of advertising has been granted approved by the Executive Director or his or her designate.
 - (2) The Executive Director or his or her designate shall grant applications for approval of a form of advertising on a taxicab unless, in the opinion of the Executive Director or his or her designate, the advertisement or advertisements:

⁸⁶ Editor's Note: Former § 545-135C(1)(f), regarding automatic receipt dispensers, was repealed 2003-06-26 by By-law No. 523-2003.

- (a) Are not safe for the driver, passengers and general public;
 - (b) Are not or cannot be safely attached to the vehicle;
 - (c) Extend beyond the dimensions of the vehicle, with the exception of rooftop signs in accordance § 545-136E(1)(e); or
 - (d) Any taxicab markings and identifications required by this chapter are not visible.
- (3) If, in the opinion of the Executive Director or his or her designate, an application for approval of a form of advertising on a taxicab should not be granted on the basis of the criteria in § 545-136D(2), the Municipal Licensing and Standards Division shall send notice of this fact to the applicant by pre-paid mail at the address as shown on the application form.
- (4) The notice sent pursuant to § 545-136D(3) shall include:
- (a) A statement that the applicant may request that the matter be referred to the Planning and Transportation Committee for review and disposition by delivering a written request to the Municipal Licensing and Standards Division within 30 days of the notice sent pursuant to § 545-136D(3); and
 - (b) A statement that if no request for a hearing is delivered by the applicant in accordance with § 545-136D(4)(a), the application will not be granted.
- (5) Where the Municipal Licensing and Standards Division receives a request for a hearing in accordance with § 545-136D(4)(a), the application for approval of a form of advertising on a taxicab shall be referred to the Planning and Transportation Committee forthwith.
- E. Required equipment and markings; prohibitions.
- (1) Every owner shall for each taxicab for which he or she holds a licence provide and maintain therein and thereon while such vehicle is operated as a cab the following equipment and markings:
- (a) A plate supplied by the Municipal Licensing and Standards Division and bearing an identifying number, securely affixed to the back of the cab, and such plate shall be affixed in a position approved by the Municipal Licensing and Standards Division;
 - (b) The number on the plate referred to in Subsection E(1)(a) of this subsection painted on the sides of the cab on the outside in numbers at least 15 centimetres high and of contrasting colour, all to the approval of the Municipal Licensing and Standards Division;

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- (c) A tariff card supplied by the Municipal Licensing and Standards Division and bearing the name of the owner of the cab and the number referred to in Subsection E(1)(a) and (b) affixed in a place in the cab approved by the Municipal Licensing and Standards Division in such a manner that the same is plainly readable by passengers in the back seat;
 - (d) A holder for the tariff card and photograph and name of the driver or owner in a place in the cab approved by the Municipal Licensing and Standards Division as required by §§ 545-136A and 545-150J of this article;
 - (e) On the top of the cab an electric sign, permanently and securely affixed, approved by the Municipal Licensing and Standards Division, indicating that the vehicle is a taxicab, such sign to be co-ordinated with the operation of the taximeter in the manner provided in § 545-135A(9) of this article. The electric sign shall not show a name or telephone number of any person, firm or corporation other than the name and telephone number of the person, firm or corporation presently holding the licence as owner of the cab, or of a taxicab broker with whom the said cab is associated. The electric sign shall be maintained by the cab owner in good repair and be clearly readable by persons outside the cab;
 - (f) A centre, rear high-mounted stop lamp installed in accordance with the specifications embodied in section 108 of Schedule IV to the Motor Vehicle Safety Regulations, as amended, enacted pursuant to the Motor Vehicle Safety Act (Canada), R.S.C. 1985, c.M-10, as amended;
 - (g) A sign or signs, as approved by the Municipal Licensing and Standards Division, affixed in a manner and in a location satisfactory to the Municipal Licensing and Standards Division to indicate clearly to any passenger upon entering or intending to enter or while seated in the said vehicle that smoking is not permitted unless the driver of the said taxicab consents thereto.
 - (h) Three “Watch for Bikes” stickers, in a form approved by the Commissioner or his or her delegate, one affixed to the driver’s side mirror, one affixed to the right rear side window and one affixed to the left rear side window, affixed in manner that will not obstruct the driver’s view. **[Added 2002-10-03 by By-law No. 739-2002⁸⁷]**
- (2) Save as provided in Subsection E(1) of this section and in Subsection D of this section, no owner or driver shall exhibit on or about his or her cab any

⁸⁷ Editor’s Note: This by-law came into force 2002-10-31. By-law No. 847-2002, adopted 2002-10-30, revised the effective date of By-law No. 739-2002 to 2003-01-01

number, sign or card other than those approved or issued under this chapter, except his or her motor vehicle plates.

- (3) No owner shall use or permit to be used any cab owned by him or her which simulates a colour scheme or emblem which has been or is being used by any other owner or taxicab broker, unless the approval of the Municipal Licensing and Standards Division is first obtained.
- F. Every owner of an ambassador taxicab shall, in addition to the markings required under Subsection E of this section, provide and maintain on his or her ambassador taxicab such signs or markings as may be approved by the Executive Director, identifying such taxicab as an ambassador taxicab.
- G. Every owner of an accessible taxicab shall, in addition to the markings required under Subsection E of this section, provide and maintain on his or her accessible taxicab such signs or markings as may be approved by the Executive Director, identifying such taxicab as an accessible taxicab.
- H. Taxicab passenger bill of rights.
- (1) Every owner shall securely affix to the back of the front passenger seat of his or her taxicab a taxicab passenger bill of rights in a form provided by the Commissioner or his or her designate, which form shall state that taxicab passengers have a right to:
 - (a) Direct the driver on the route to be taken;
 - (b) An effective complaints process;
 - (c) A free ride if the meter is not in a recording position;
 - (d) A quality taxicab which:
 - [1] Is in good mechanical and physical condition;
 - [2] Has a clean passenger area and trunk;
 - [3] Is heated or air-conditioned on demand;
 - [4] Has easy access to seatbelts; and
 - [5] Is a smoke-free environment.
 - [6] (Reserved)⁸⁸
 - (e) A professional driver who:
 - [1] Is licensed and knowledgeable;

⁸⁸ Editor's Note: Former § 545-136H(1)(d)[6], regarding a meter that issues receipts, was repealed 2003-06-26 by By-law No. 523-2003.

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- [2] Knows the major routes and destinations in the City of Toronto;
- [3] Speaks and understands English;
- [4] Is courteous and provides assistance;
- [5] Provides a safe ride;
- [6] Knows and obeys the by-laws and all traffic laws;
- [7] Offers a silent ride if desired; and
- [8] Provides a receipt noting the date and time of the trip, the distance travelled, the taxicab licence number and the fare charged. **[Added 2003-06-26 by By-law No. 523-2003]**

- (2) The taxicab passenger bill of rights shall also state that drivers may not recommend hotel accommodations or restaurants unless requested by the passenger.
- (3) No owner or driver shall operate, or permit to be operated, his or her taxicab unless a taxicab passenger bill of rights, as prescribed by this section, is displayed therein in accordance with Subsection H(1) of this section.

I. Emergency lights system; camera system; global positioning system.

(1) Definitions.

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

CAMERA SYSTEM — A camera system, approved by the Municipal Licensing and Standards Division, capable of recording images of persons in a taxicab, such that access to such images is limited to law enforcement personnel authorized by the Executive Director for law enforcement purposes only.

EMERGENCY LIGHTS SYSTEM — A system of lights, approved by the Municipal Licensing and Standards Division, which may be activated by a driver of a taxicab in emergency situations.

GLOBAL POSITIONING SYSTEM — A system, approved by the Municipal Licensing and Standards Division, capable of tracking and locating the position of a taxicab and includes a vehicle location system.

- (2) Every owner shall, for each taxicab for which he or she holds a licence, provide and maintain thereon and therein: **[Amended 2005-05-19 by By-law No. 375-2005]**
 - (a) A fully functioning emergency lights system; and

- (b) A fully functioning camera system installed and serviced by the manufacturer or the manufacturer's authorized agent.
- (2.1) Every owner may provide a fully functioning global positioning system in each taxicab for which he or she holds a licence, and where a global positioning system is provided, the owner shall maintain it in good working condition. **[Added 2005-05-19 by By-law No. 375-2005]**
- (3) No owner shall operate, or permit to be operated, his or her taxicab unless it is equipped in accordance with this section.
- (4) No driver shall operate a taxicab unless the systems and equipment installed therein in accordance with Subsection I(2) of this section are fully functioning.
- (5) No owner or driver shall operate, or permit to be operated, a taxicab equipped with a camera system unless such taxicab has affixed thereon, in a location and manner approved by the Commissioner, a decal approved by the Commissioner stating that photographic images of passengers in the taxicab are being recorded.

§ 545-137. Duplicate tariff cards and plates.

A. Replacement of tariff cards and number plates; interim plates.

- (1) Tariff cards or number plates, defaced, lost or destroyed, may be replaced by the Municipal Licensing and Standards Division upon the original tariff card or plate being satisfactorily accounted for and, in the case of a plate, upon payment of the cost of a duplicate plate.
- (2) The duplicate plate shall bear the number of the original plate, together with the letter "D" identifying it as a duplicate plate.
- (3) The Municipal Licensing and Standards Division may issue a special interim plate.
- (4) The interim plate shall be issued during the period required to obtain the duplicate plate, and such interim plate shall be returned to the Municipal Licensing and Standards Division forthwith upon demand or immediately upon receipt of a duplicate plate.
- (5) No person shall use a number plate in place of which a duplicate has been issued.
- (6) No duplicate plate shall be replaced except upon the approval of the Executive Director.

B. Use of spare plate while taxicab being repaired; unlawful affixing of plates.

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- (1) In addition to the plates referred to in § 545-136E and Subsection A of this section, the Municipal Licensing and Standards Division may, in its discretion, issue one or more spare plates to an owner permitting him or her to operate a motor vehicle as a taxicab during such period as a cab owned by him or her is being repaired, provided that:
 - (a) The spare plate and the plate, or its duplicate, supplied by the Municipal Licensing and Standards Division for the cab being repaired, are securely affixed to such motor vehicle as provided in § 545-136E(1)(a) of this article;
 - (b) Such motor vehicle is equipped, inspected, approved and registered as required by this article; and
 - (c) The owner provides proof of insurance in respect of such motor vehicle as required by this article.
- (2) Every owner who permits a plate supplied to him or her to be affixed to a motor vehicle 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 his or her licence should be suspended, revoked or have conditions placed on it.

§ 545-138. Condition of vehicles.

- A. No owner shall use or permit to be used any cab until:
 - (1) He or she has submitted such motor vehicle for approval in accordance with this chapter; and
 - (2) He or she has attended at the offices of the Municipal Licensing and Standards Division and produced the Provincial motor vehicle permit issued with respect to such motor vehicle.
- B. Every owner who uses or permits to be used any motor vehicle as a taxicab without submitting the motor vehicle for approval in accordance with this chapter and producing to the Municipal Licensing and Standards Division the Provincial motor vehicle permit with respect to such vehicle and who is found, by the Municipal Licensing and Standards Division, to be operating more motor vehicles as taxicabs than he or she has taxicab licences, except as provided in this chapter, shall be required to attend before the Toronto Licensing Tribunal for a hearing to determine whether or not his or her licence should be suspended, revoked or have conditions placed on it.
- C. No driver or owner shall operate or permit to be operated any cab unless it is:
 - (1) Equipped with an extra tire and wheel ready for use;

- (2) Clean as to its exterior;
- (3) In good repair as to its exterior;
- (4) Clean as to its interior;
- (5) In good repair as to its interior;
- (6) Free from mechanical defects; and
- (7) Equipped with a plate supplied by the Municipal Licensing and Standards Division securely affixed as required by § 545-136E(1)(a) of this article.

D. Seat belts.

- (1) Every owner who permits the operation of his or her taxicab, and every driver who operates a taxicab, which is not equipped with seat belts is guilty of an offence.
- (2) Every owner who permits the operation of his or her taxicab and every driver who operates a taxicab that is equipped with seat belts and who does not ensure that such seat belts are plainly visible to or may be conveniently used by a passenger is guilty of an offence.

E. Child safety locks.

- (1) Definitions. As used in this subsection, the following terms shall have the meanings indicated:

CHILD SAFETY LOCK — A locking mechanism or device which, when activated, locks the passenger doors of a taxicab such that the doors cannot be opened from within the taxicab but can be opened by persons outside of the taxicab by use of the external door handles.

PERSON UNDER A DISABILITY:

- (a) A minor; or
 - (b) A person who is mentally incapable within the meaning of section 45 of the *Substitute Decisions Act, 1992*,⁸⁹ as amended.
- (2) Subject to Subsection E(3) of this section, no taxicab may be equipped with any mechanism or device by which a passenger in the taxicab is not able to unlock and open the doors of the taxicab.
 - (3) Where a taxicab is equipped with a child safety lock, signs stating that the taxicab is so equipped shall be affixed to the windows of the taxicab in a prominent position immediately above the door handles of the taxicab such

⁸⁹ Editor's Note: See S.O. 1992, c. 30.

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that the signs are plainly visible to persons entering the taxicab or seated in the taxicab.

- (4) No driver of a taxicab shall use or activate a child safety lock while a passenger is in the taxicab except where the passenger is a person under a disability and the driver has received written authorization from the parent or guardian of such person to activate the child safety lock, or from such other persons with authority in law to provide such written authorization.

F. Air-conditioning and heating systems.

- (1) No owner or driver shall operate or permit to be operated his or her taxicab unless such taxicab is equipped with fully functional air-conditioning and heating systems.
- (2) Every owner and driver shall, upon the request of a passenger, activate the air-conditioning or heating systems in such owner or driver's taxicab.

§ 545-139. Vehicle examinations.

A. Examination by designated mechanic; written report.

- (1) Every owner shall submit his or her cab for examination by a designated mechanic before a licence is issued therefor, and twice a year thereafter as scheduled by the Executive Director, in the case of a cab required by this chapter to be equipped with a taximeter, at the same time as he or she submits his or her taximeter for examination pursuant to § 545-135A(1) of this article.
[Amended 2004-09-30 by By-law No. 825-2004]
- (2) Where there are reasonable and probable grounds to believe that a cab or its equipment is mechanically defective, the owner or driver shall be given written notice by the Municipal Licensing and Standards Division requiring such owner or driver to submit his or her cab for examination by a designated mechanic in such notice within 24 hours.
- (3) Where there are reasonable and probable grounds to believe that a cab is dangerous or unsafe, the cab number plate supplied by the Municipal Licensing and Standards Division may be removed, and the owner or driver shall submit his or her cab for examination by a designated mechanic by the Executive Director forthwith.
- (4) An owner or driver who fails to submit his or her cab for examination by a mechanic as required by this section is guilty of an offence.
- (5) Mechanically defective cabs; major mechanical defects.
 - (a) Subject to Subsection A(5)(b) of this section, when a cab is examined by a designated mechanic pursuant to this section who reports in writing

that the cab is mechanically defective, the owner shall not operate or permit to be operated such cab until such mechanic certifies in writing that the mechanical defects so reported are corrected.

- (b) The Municipal Licensing and Standards Division shall immediately remove the taxicab licence plate supplied by the Municipal Licensing and Standards Division if a designated mechanic reports in writing that the cab referred to in Subsection A(5)(a) hereof failed such examination on two occasions due to major mechanical defects in any one of the periods designated for mechanical examinations referred to in Subsection A(1) hereof, or on one occasion due to major mechanical defects in each of two consecutive periods designated for mechanical examinations referred to in Subsection A(1) hereof; and such plate shall remain removed until such time as a designated mechanic designated certifies in writing that the major mechanical defects so reported are corrected.
- (c) For the purpose of this subsection, “major mechanical defect” means mechanical defects directly or indirectly related to any part or parts of the motor vehicle involving or affecting:
 - [1] Its brakes or braking system;
 - [2] Its steering system;
 - [3] Its suspension system; or
 - [4] Its underbody.
- (6) When a cab is examined by a designated mechanic who reports in writing that the cab is dangerous or unsafe and his or her reasons therefor, the Municipal Licensing and Standards Division shall immediately remove the taxicab license plate supplied by the Municipal Licensing and Standards Division, and such plate shall remain removed until such time as the mechanic certifies in writing that the taxicab is no longer dangerous or unsafe.
- (7) Except when an owner submits his or her cab for examination by a designated mechanic before a licence is issued therefor, every owner whose cab is reported by such mechanic as dangerous or unsafe pursuant to Subsection A(6) hereof, or whose cab is reported by such mechanic to have major mechanical defects on the occasions referred to in Subsection A(5)(b) hereof, may be required to attend before the Toronto Licensing Tribunal to determine whether or not his or her licence should be suspended, revoked or have conditions imposed on it.

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- (8) For the purpose of this section, “designated mechanic” means a mechanic designated by the Executive Director to conduct examinations of cabs under this chapter.
 - (9) The Executive Director or his or her designate may prescribe the form of report and certification used by a designated mechanic.
- B. Owner to attend mechanical examination.
- (1) Except when an owner submits his or her taxicab for examination before a licence is issued therefor, every owner shall attend in person, and not by an agent, at each scheduled or rescheduled mechanical examination of his or her taxicab conducted pursuant to Subsection A(1) of this section.
 - (2) Where an owner fails to attend in person at a mechanical examination in accordance with Subsection B(1) of this section, the taxicab shall not be inspected and the owner shall reschedule the mechanical examination within three days of the original examination date.
 - (3) Where an owner fails to reschedule a mechanical examination and attend in person at such rescheduled mechanical examination in accordance with Subsections B(1) and (2) of this section, the Municipal Licensing and Standards Division shall remove such owner’s plate from the taxicab, and the plate shall not be returned until such time as the owner submits his or her taxicab for examination and attends in person at such examination.
- C. Where an appointment has been made for the inspection of a taxicab pursuant to Subsection A hereof and if such taxicab is not produced at the time and place appointed for such inspection, the Executive Director or his or her designate may, notwithstanding anything else contained in this chapter, suspend the taxicab licence in respect of such taxicab until such time as the taxicab has been tested, inspected and approved.
- D. Examination of cab before and after shifts; cabs not in good mechanical condition not to be operated.
- (1) Every owner and driver shall, on each work shift before commencing driving, examine for mechanical defects any cab which he or she is to drive during the shift, and shall similarly examine the same at the end of each shift, and if he or she is not the owner of the cab shall report forthwith to such owner any mechanical defects of which he or she is or becomes aware.
 - (2) Every owner shall check immediately any mechanical defect in his or her cab reported to him or her by a driver and shall not in any case operate or permit to be operated as a cab any vehicle not in good mechanical condition.

§ 545-140. Age of vehicles.

[Amended 2004-09-30 by By-law No. 793-2004; 2004-10-28 by By-law No. 1004-2004⁹⁰]

A. Definition.

In this section the following term shall have the meaning indicated:

NEW VEHICLE — A motor vehicle that has not been previously bought, sold or leased by a licensed vehicle dealer.

B. Standard taxicabs age restrictions.

A motor vehicle that by year date is more than five model years old shall not be used as a standard taxicab.

C. Exception, owner-operated standard taxicabs.

- (1) Despite Subsection B, a standard taxicab that is operated exclusively by the owner of the taxicab shall not be more than six model years old by year date.
- (2) Despite Subsection C(1), a standard taxicab that is operated exclusively by the owner of the taxicab may be seven model years old by year date provided that it was a new vehicle when it became registered as a taxicab.

D. Ambassador taxicabs age restrictions.

- (1) The holder of an ambassador taxicab licence shall provide a motor vehicle that by year date is no more than two model years old for use as that owner's ambassador taxicab.
- (2) A motor vehicle that by year date is more than six model years old shall not be used as an ambassador taxicab.
- (3) Despite Subsection D(2), an ambassador taxicab may be seven model years old by year date provided that it was a new vehicle when it became registered as a taxicab.

E. Exception, standard, owner-operated standard and ambassador age restrictions.

A motor vehicle that, by year date, is one or two model years older than the year date prescribed by Subsections B, C and D, up to a maximum of seven years, may be used as a taxicab if such motor vehicle: **[Amended 2004-12-02 by By-law No. 1118-2004⁹¹]**

⁹⁰ Editor's Note: This by-law came into force 2004-09-30.

⁹¹ Editor's Note: This by-law came into force 2004-09-30.

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- (1) Is equipped as a physically disabled passenger vehicle in accordance with R.R.O. 1990, Reg. 629, as amended, made under the *Highway Traffic Act*, as amended;⁹² or
- (2) Is fuelled by natural gas, provided that vehicles acquired after 2004 have been converted to natural gas within 180 days of the acquisition of the vehicle.

F. Accessible taxicabs.

Every owner of an accessible taxicab shall ensure that the vehicle used as his or her accessible taxicab:

- (1) Is equipped as a physically disabled passenger vehicle in accordance with R.R.O. 1990, Reg. 629, as amended, made under the *Highway Traffic Act*, as amended;⁹³
- (2) Complies with the Canadian Standards Association CAN3-D409-M84 vehicle standards, as amended; and
- (3) Is equipped with a fully functioning two-way communications device.

G. Accessible taxicab age restrictions.

- (1) The holder of an accessible taxicab licence shall provide a motor vehicle that by year date is no more than two model years old for use as that owner's accessible taxicab.
- (2) A motor vehicle that by year date is more than seven model years old shall not be used as an accessible taxicab.

H. Replacement vehicles.

- (1) A vehicle shall not be used as a replacement vehicle for a taxicab, unless it is registered as a taxicab or has been registered as a taxicab in the forty-five-day period immediately preceding the date of application to use the vehicle as a replacement vehicle, where the vehicle is:
 - (a) More than three model years old by year date; or [**Amended 2006-06-29 by By-law No. 523-2006**]
 - (b) Branded by the Ontario Ministry of Transportation as a rebuilt vehicle.
- (2) Despite any other provision in this article, a taxicab shall not be replaced with a motor vehicle that has been used as a police vehicle in any jurisdiction or as a taxicab in any jurisdiction except the City of Toronto.

⁹² Editor's Note: See R.S.O. 1990, c. H.8.

⁹³ Editor's Note: See R.S.O. 1990, c. H.8.

- (3) Effective June 24, 2008, the forty-five-day time limit contained in § 545-140H(1) shall not apply to vehicles in the event of the cancellation of a lease of the taxicab. **[Added 2008-06-24 by By-law No. 647-2008]**
- I. Vehicles that were purchased or leased as new or replacement vehicles since January 1999 may continue to operate as taxicabs in accordance with this chapter.
- J. Where a taxicab is required to be replaced in the last inspection period of 2004, the vehicle may be replaced in the first inspection period of 2005.⁹⁴

§ 545-141. Taxicab operator log.

[Amended 2002-10-03 by By-law No. 739-2002⁹⁵; 2008-01-30 by By-law No. 126-2008]

- A. Information to be recorded by driver.
- (1) A driver or owner who drives a cab shall keep a record in the form attached hereto as Appendix D at the end of this chapter (referred to as an “Operator Log”) of the operation of the cab, and the Operator Log shall contain the following information for each shift or working period that the taxicab is operated:
- (a) The number of the taxicab;
 - (b) The provincial plate number of the vehicle;
 - (c) The date and time on which the driver or owner started and finished work;
 - (d) The taxicab driver or owner’s licence number;
 - (e) The signature of the taxicab driver or owner; and
 - (f) The details of any incidents, as per § 545-148K(3).
- (2) A driver or owner who is driving a cab shall record the starting information required in the Operator Log prior to the commencement of any shift or continuous working period and shall record the ending information required on the Operator Log at the conclusion of any shift or continuous working period they work.
- (3) An owner shall ensure that the driver operating his or her cab completes the Operator Log as required by Subsection A above and provides the Operator

⁹⁴ Editor’s Note: Former § 545-140K, regarding continuous taxicab registration, which previously followed this subsection, was repealed 2009-04-30 by By-law No. 496-2009.

⁹⁵ Editor’s Note: This by-law came into force 2002-10-31. By-law No. 847-2002, adopted 2002-10-30, revised the effective date of By-law No. 739-2002 to 2003-01-01.

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Log to the owner, or his or her designated custodian, within seven days of the conclusion of a shift.

- B. Operating Logs shall be kept by a designated custodian, who may be the owner, a designated agent or lessee who is responsible for the taxicab or otherwise rents out the taxicab to a taxicab driver, for a period of at least 12 months and shall be open to inspection by the Municipal Licensing and Standards Division which may remove such records and retain the same for a reasonable period of time.

§ 545-142. Sales and transfers.

- A. Sale of a taxicab; issuance of new licence to purchaser.

- (1) No owner's licence shall be transferred, but, subject to any other provisions of this chapter, an owner may sell his or her livery cab and its equipment to any person and an owner may sell his or her standard taxicab and its equipment to any individual person licensed as a taxicab driver under this chapter, and upon such sale the owner's licence issued in respect of such cab shall be terminated. **[Amended 2003-05-23 by By-law No. 386-2003; 2003-09-24 by By-law No. 906-2003⁹⁶; 2004-09-30 by By-law No. 752-2004⁹⁷]**
- (2) For the purpose of Appendix A, Annual Fees for Licences, at the end of this chapter, "sale of a taxicab" includes the sale or transfer, by one or more transactions, of the controlling interest in a corporation referred to in § 545-151 of this article and any transaction or transactions by which such controlling interest is acquired, and "purchaser" includes any person purchasing or otherwise acquiring such interest.
- (3) (Reserved)⁹⁸
- (4) Subject to Subsection A(5) hereof, the Municipal Licensing and Standards Division may, in its discretion, issue a new licence to the purchaser of such taxicab or livery vehicle and equipment subject to the following conditions:
 - (a) That the new applicant qualifies under all other provisions of this chapter and is a resident of the City of Toronto;
 - (b) 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 taxicab and its equipment;

⁹⁶ Editor's Note: This by-law provided that it comes into force 2004-01-01.

⁹⁷ Editor's Note: This by-law provided that it comes into force 2004-01-01.

⁹⁸ Editor's Note: Former § 545-142A(3) was repealed 2004-09-30 by By-law No. 752-2004, effective 2004-01-01.

- (c) The agreement must 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;
 - (d) The agreement shall provide for the vendor to receive the total consideration for the transaction in cash or by certified cheque at the time that the transaction is completed;
 - (e) There shall be attached to the agreement a statutory declaration, in a form to be furnished by the Municipal Licensing and Standards Division, to be taken by any person or persons financing the transaction or holding any chattel mortgage, conditional sale contract, lien or charge of any type or description, whether equitable or legal and whether written or verbal, upon or relating to the taxicab or its equipment;
 - (f) The making of a false or intentionally misleading recital of fact, statement or representation in any such agreement or statutory declaration required to be attached thereto shall be deemed a violation of the provisions of this chapter; and
 - (g) An agreement may pertain to more than one taxicab vehicle and its equipment, but the vendor in such agreement shall not be permitted, notwithstanding anything else in this chapter, to purchase or otherwise acquire any additional taxicab owner's licences by any means for a period of five years following the date of the transaction.
 - (h) The purchaser of a standard taxicab is an individual person licensed as a taxicab driver under this chapter. **[Added 2003-05-23 by By-law No. 386-2003; amended 2003-09-24 by By-law No. 906-2003⁹⁹]**
- (5) Notwithstanding Subsections A(1) and (4) hereof, 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 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.
- B. Death of owner.
- (1) Upon the death of the owner of a cab, the owner's licence issued in respect of such cab shall be terminated.

⁹⁹ Editor's Note: This by-law provided that it comes into force 2004-01-01.

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- (a) In this section, “owner” includes any person who directly or indirectly owns the controlling interest in a corporation holding one or more cab owner’s licences, and “cab” includes the shares in such corporation owned or controlled by such owner.
- (2) Upon receiving notice of the death of the owner of a standard taxicab or a livery cab, the Municipal Licensing and Standards Division may re-issue the licence for its unexpired term or may issue a new licence in the name of the estate of the said deceased owner pending disposition of the said cab by the personal representative or representatives of such deceased owner.
- (3) Where a licence has been issued to the estate of a deceased cab owner in accordance with Subsection B(2), his or her personal representative or representatives shall be deemed to be the owner of the cab for the purposes of this chapter.
- (4) Where a licence has been issued to the estate of the deceased cab owner in accordance with Subsection B(2), the licence shall terminate one year from the date of death of the deceased cab owner.
- (5) The Toronto Licensing Tribunal may, in its discretion, extend the one-year period referred to in Subsection B(4) either before or after its expiry.
- (6) Upon the sale, transfer or other disposition of a standard taxicab or a livery cab by the personal representative or representatives of a deceased cab owner, the licence issued in respect of such cab shall be terminated, and the Licensing and Municipal Standards Division may, in its discretion, issue a new licence to the person purchasing or otherwise obtaining such cab, and the provisions of Subsection A of this section and the provisions of this chapter requiring a fee to be paid upon the issue of a licence to a purchaser of a taxicab on a sale approved by the Toronto Licensing Tribunal shall apply mutatis mutandis to such person and to such transaction.

§ 545-143. Custody of taxicabs.

- A. Subject to §§ 545-144, 545-145 and 545-146, this section applies to every person licensed as the owner of a standard taxicab.
- B. Every owner who is an individual person shall maintain custody and control over his or her taxicab and shall not delegate this responsibility.
- C. Every owner which is a partnership shall designate one of the partners who is an individual person to be responsible for maintaining custody and control over its taxicab on behalf of the partnership, and such partner shall not delegate this responsibility.

- D. Every owner which is a corporation shall designate one of its officers or employees to be responsible for maintaining custody and control over the said taxicab on behalf of the corporation, and such officer or employee shall not delegate this responsibility.
- E. Every owner required by this section to designate any person to be responsible for maintaining custody and control over a taxicab shall make such designation by means of a notice of designated custodian, signed by or on behalf of the said licensed owner 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.
- F. Every notice of designated custodian shall be executed in the case of a partnership or a corporation licensed as an owner of a taxicab, on the date this section comes into force, within 30 days of such date; and in the case of every partnership or corporation receiving a licence as an owner after the date this section comes into force, within 10 days after the issuance of such licence; and every owner shall file such notice of designated custodian with the Municipal Licensing and Standards Division within three days after the last date upon which such notice may be executed pursuant to this subsection.
- G. When any person designated by an owner, as shown on a notice of designated custodian filed with the Municipal Licensing and Standards Division under this section, ceases to have custody or control over the taxicab, the owner shall file with the Municipal Licensing and Standards Division a new notice of designated custodian within three days of the date upon which the cessation of custody or control occurred.

§ 545-144. Designated agents.

- A. An owner of a standard taxicab licensed as such under this chapter may, by filing with the Municipal Licensing and Standards Division a notice in writing, designate an individual person who is licensed as a driver, owner or taxicab broker under this chapter, as his or her agent in respect of such owner's taxicab, together with a written consent by such person to act in such capacity.
- B. A notice of designated agent shall include:
 - (1) The full name of the owner;
 - (2) The number of the licence and plate for the taxicab to which such designation relates;
 - (3) The term for which the person designated therein is granted authority by the owner in respect of the taxicab; and
 - (4) The terms of the agency agreement, including any consideration paid therefor.

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- C. If the authority of an agent designated under this section terminates before the end of the term set out in the notice, the owner shall forthwith file a written notice thereof with the Municipal Licensing and Standards Division and, for the purposes of this chapter, the obligations and requirements applicable to such authorized agent shall cease upon the filing of such notice.
- D. No person shall act as an agent for an owner in respect of a taxicab except as permitted by this section.
- E. The designation of an agent by an owner pursuant to this section shall not be deemed to be a lease for the purposes of this chapter unless the agent operates the taxicab, in which case the provisions of § 545-145 shall apply.

§ 545-145. Taxicab leasing.

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

LEASE:

- (1) Any contract, agreement, understanding or other arrangement whereby an owner or a designated agent permits another person to manage, operate, control, have custody of, or otherwise employ his or her taxicab, other than permitting a driver to drive the taxicab for one normal driver's shift where the taxicab is returned to the owner or such person so designated at the end of such shift, and "to lease a taxicab" includes the act of any owner in entering into or becoming a party to such a contract, agreement, understanding or other arrangement.
- (2) Without limiting the generality of Subsection (1) of this definition, "lease" includes a power of attorney, management contract, "cash-in" agreement, and any other arrangement or agreement whereby any person other than an owner or designated custodian is allowed to exercise or does exercise any of the rights set out in Subsection (1) of this definition.

LESSEE — When used in reference to a taxicab or to a lease of a taxicab, means any person who is permitted to exercise or does exercise any of the rights set out in Subsection (1) of the definition of "lease" pursuant to a lease.

LESSOR — When used in reference to a taxicab or to the lease of a taxicab, means an owner who enters into or is a party to a lease of his or her taxicab.

- B. Except as provided in this section, no owner shall lease his or her taxicab.
- C. An owner or his or her designated agent may lease his or her standard taxicab, provided that:

- (1) The lessee is an individual person licensed as a taxicab driver under this chapter, or is an individual person licensed as a taxicab owner and is authorized to drive a taxicab in accordance with § 545-131A of this article;
- (2) Under the terms of the lease, the owner provides a motor vehicle equipped, inspected, approved and registered in accordance with this article;
- (3) The owner leases a taxicab equipped with a two-way radio;
- (4) The lease provides that the owner is responsible for maintenance of and insurance on the taxicab;
- (5) The amount charged under the lease is a fair fee and no additional charges are to be made against the lessee except charges for fuel and parking and traffic violations committed by the lessee in the operation of the taxicab and charged against the owner;
- (6) The plate issued to such owner by the Municipal Licensing and Standards Division is affixed to the taxicab which is the subject matter of the lease, and remains affixed thereto throughout the term of the lease;
- (7) The lease pertains to one vehicle and expires upon the sale or other disposition of such vehicle;
- (8) The lease is for the period that the vehicle is permitted to continue to be used as a taxicab; [**Amended 2010-07-08 by By-law No. 860-2010¹⁰⁰**]
- (9) The lease is reduced to writing and signed by the parties thereto;
- (10) A written lease is filed with the Municipal Licensing and Standards Division within 10 days of the date at which the lease, or the exercise of any rights or obligations pursuant thereto, becomes effective, whichever occurs first;
- (11) No person may lease more than one taxicab;
- (12) Every lessee shall drive the taxicab for which he or she is lessee on a full-time basis;
- (13) Subject to Subsection C(12) of this subsection, a lessee may permit up to three persons licensed as taxicab drivers to drive his or her taxicab; and
- (14) The lease provides that it may be terminated earlier upon the written agreement of both parties or upon either party giving the other party 60 days' notice that there is just cause for termination of the lease. [**Added 2010-07-08**]

¹⁰⁰ Editor's Note: This by-law provided that it comes into force 2010-06-09.

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by **By-law No. 860-2010**,¹⁰¹ amended 2010-08-27 by **By-law No. 1146-2010**¹⁰²]

D. The written lease may be in a form approved by the Municipal Licensing and Standards Division or may be in any form agreed to by the parties thereto, provided that it discloses and gives full particulars of:

- (1) The date of its execution;
- (2) The names and business addresses of all parties thereto;
- (3) Its effective date;
- (4) Its termination date; [**Amended 2010-07-08 by By-law No. 860-2010**¹⁰³]
- (5) Full particulars of the consideration given by each party to the lease, including the amount of the leasing fee or rental and a breakdown of all other amounts to be paid by the lessee to the lessor arising out of the lease, together with a list of all services, rights or other consideration given to the lessee by the lessor in return therefor;
- (6) Full particulars as to the responsibility of the parties for the maintenance, repairs, gas and oil for the taxicab, and any requirements as to where and how any such repairs or purchases are to be made and as to payment therefor; and
- (7) A full description of the taxicab which is the subject of the lease and all equipment appurtenant thereto, including serial numbers, where applicable, and the Provincial plate number, and the number of the licence and plate granted by the Municipal Licensing and Standards Division in respect of such cab.

E. Subleasing.

- (1) No lessee of a taxicab shall sublease or purport to sublease or lease to any person a taxicab which is the subject matter of a lease to such lessee.
- (2) No owner shall, by a term in a lease or otherwise, permit any lessee or other person to lease or sublease or purport to lease or sublease the taxicab which is the subject matter of a lease.
- (3) No person shall be a party to a lease or purported lease of a taxicab to which neither the owner nor an agent, designated by him or her under § 545-144 of this article, is a party.

¹⁰¹ Editor's Note: This by-law provided that it comes into force 2010-06-09.

¹⁰² Editor's Note: This by-law provided that it comes into force 2010-06-09.

¹⁰³ Editor's Note: This by-law provided that it comes into force 2010-06-09.

- F. Any person licensed under this chapter who enters into or purports to enter into any lease or purported lease of a taxicab, other than in accordance with this section, may, in addition to any other penalty to which such person may be liable under this chapter, be required to attend before the Toronto Licensing Tribunal for a hearing to determine whether or not his or her licence should be suspended, revoked or have conditions imposed on it.
- G. Every owner shall notify the Municipal Licensing and Standards Division in writing of the expiration or other sooner termination of any lease to which he or she is a party or of any change in custody and control over his or her taxicab, within 10 days thereof. Such notice shall include any notice of designation or new lease entered into by the owner with respect to his or her taxicab, and a statement as to the identity of the party having custody and control over the taxicab at that time, and of any person managing or operating the taxicab.

§ 545-146. General provisions relating to custody and leasing of taxicabs.

- A. Every owner shall:
 - (1) Ensure that every driver, lessee, designated custodian, designated agent and every other person involved in the operation of his or her taxicab complies in full with the requirements imposed by this chapter in respect of such taxicab;
 - (2) Maintain knowledge at all times of the identity of any person having custody of or control over his or her taxicab; and
 - (3) Provide full information to the Municipal Licensing and Standards Division as to any of the facts or records required to be maintained or provided by him or her pursuant to this article, forthwith upon a request therefor by the Municipal Licensing and Standards Division.
- B. Every owner of a standard taxicab shall ensure that every lease, notice of designated custodian and notice of designated agent filed with the Municipal Licensing and Standards Division sets out fully and accurately all of the facts and terms required by this chapter.
- C. No owner of a standard taxicab shall have more than one designated agent with respect to his or her taxicab at any one time.
- D. No owner of a standard taxicab shall enter into or be a party to more than one lease at any one time with respect to his or her taxicab.
- E. In addition to any penalty provided by this chapter or any other law, where it appears that any person licensed under this chapter has contravened any of the provisions of §§ 545-143, 545-144, 545-145 and 545-146 of this article, such person may be required to attend before the Toronto Licensing Tribunal for a

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hearing to determine whether or not his or her licence should be suspended, revoked or have conditions imposed on it.

- F. No person shall enter into or be a party to any agreement or transaction purporting to transfer, assign, lease or otherwise convey rights over a taxicab licence or plate, or give or receive any consideration or remuneration therefor, except as part of a transaction permitted by this chapter.

§ 545-147. Cab stands.

- A. No driver or owner who is driving a cab shall take on any passenger within 30 metres of a public cab stand when there are one or more cabs upon the stand, except where an arrangement has been previously made with the passenger to take him or her on at that location.
- B. A driver or owner who wishes to enter a public cab stand with his or her cab shall do so by taking his or her position at the end of any line formed by cabs already on the stand, and when a driver or owner is either first or second in line at a public cab stand, he or she shall remain in the driver's seat of his or her vehicle ready to be hired.
- C. No owner or driver shall overcrowd a public cab stand, nor push any cab already on the stand.
- D. No owner or driver of a taxicab shall, while waiting for hire or engagement, park on any highway except at a stand authorized and assigned for taxicabs and marked as a taxicab stand by an authorized sign.
- E. No owner or driver shall wash, clean or make repairs to his or her cab while upon any public cab stand unless such repairs are immediately required to render the cab operable.
- F. Use of cab stands by cab owners; operation of livery cabs from cab stands.
- (1) No person driving a cab shall operate such cab from any of the following public cab stands authorized and assigned by by-law, unless he or she is the owner of such cab in his or her own personal right and has no contract, agreement or arrangement with a taxicab broker for the obtaining of fares:
- (a) Colborne Street, north side, between Victoria Street and Leader Lane.
 - (b) King Street East, south side, between Victoria Street and King Edward Hotel entrance.
 - (c) Victoria Street, east side, between Colborne Street and King Edward Hotel entrance.
 - (d) Victoria Street, east side, immediately south of King Street East.

- (e) James Street, west side, north of Queen Street West.
 - (f) Front Street West, south side, west door Union Station to 15.24 metres east of York Street.
 - (g) Front Street West, north side, east of entrance to Royal York Hotel.
- (2) No person licensed under this chapter shall operate or permit to be operated a livery cab from a public cab stand authorized and assigned by by-law.

§ 545-148. General provisions respecting the operation of taxicabs.

- A. No person licensed under this chapter shall carry in any cab used for hire a greater number of occupants or persons than the manufacturer's rating of seating capacity of such cab inclusive of the driver.
- B. No owner or driver shall drive a cab with luggage or other material piled or placed in a manner that obstructs his or her view.
- C. Smoking.
 - (1) No owner driving his or her own taxicab or driver of a taxicab carrying a passenger or passengers shall smoke any cigar, cigarette, pipe or any other lighted smoking equipment in the said vehicle unless the passenger or passengers consent thereto.
 - (2) Notwithstanding Subsection K of this section, an owner who drives his or her taxicab or a driver may refuse to serve any persons requesting the service of his or her cab who smoke or to continue to serve any passengers in his or her cab where one or more of such passengers smoke any cigar, cigarette, pipe or any other lighted smoking equipment in the said vehicle unless the driver thereof or the owner driving his or her own taxicab consents thereto.
 - (3) In this section, "smoke" or "smoking" includes the carrying of a lighted cigar, cigarette, pipe or any other lighted smoking equipment.
- D. Subject to Subsection L of this section, every driver and every owner driving his or her own taxicab shall turn off any radio, tape player or any other sound-producing mechanical device in his or her taxicab upon being requested so to do by any passenger, and having done so pursuant to such a request shall leave such device or devices in the off position until that passenger's trip has been completed.
- E. Exclusive concession agreements.
 - (1) For the purpose of this section, "exclusive concession agreement" includes any agreement, whether or not for valuable consideration, which has for its purpose or effect the granting to any person of a right or licence to provide cab

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service to any public transportation terminal, subway station, hotel, motel, cab stand, or any other place, to the exclusion of one or more other cabs.

- (2) No owner or driver shall enter into or become a party to an exclusive concession agreement.
 - (3) No owner or driver shall pay, agree to pay, accept, or agree to accept a fee or consideration, or do any other act or thing, pursuant to an exclusive concession agreement.
 - (4) No owner or driver of a cab shall pay or agree to pay any consideration to any person in return for or as a result of any act by such person done for the purpose of soliciting business for such cab or directing or encouraging any person to use such cab at any of the places referred to in Subsection E(1).
- F. No owner shall pay any female driver in his or her employ wages at a lesser rate than he or she pays to male drivers in his or her employ, or if such owner only employs female drivers, at a lesser rate than the prevailing rate paid by other owners to their male drivers.
- G. No owner or driver shall take, consume or have in his or her possession any liquor while he or she is in charge of his or her cab, nor shall the use of liquor by him or her be apparent while he or she is in charge of any such cab.
- H. Every driver licensed under this chapter and every owner, while driving or operating a cab, shall be properly dressed, neat and clean in person, and be civil and well-behaved, and while on any public cab stand shall sit or stand sufficiently close to his or her cab so as to have it constantly under close observation, and such drivers or owners shall not in any way obstruct the use of the sidewalk, or make any loud noise or disturbance.
- I. Any owner or driver 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.
- J. No person licensed under this chapter shall solicit or employ or allow any runner or other person to assist or act in concert with him or her in soliciting any person to take or use his or her cab on any public highway, lane, street, common, park or square.
- K. Right to refuse service to certain passengers; indication of being on duty or off duty.
- (1) Except as provided in Subsection K(3), an owner who drives his or her cab or a driver who refuses to serve the first person requesting the service of his or her cab at any place within the City of Toronto at any time of day or night is guilty of an offence.

- (2) Notwithstanding any provision in this section, nothing herein permits any owner or driver to contravene the provisions of § 545-147A of this article.
- (3) An owner who drives his or her cab, or a driver, may refuse to serve the first person requesting the service of his or her cab, provided that such owner or driver immediately records his or her reasons for such refusal on his or her taxicab operator log, if such person requiring the service: **[Amended 2008-01-30 by By-law No. 126-2008]**
 - (a) Owes such owner or driver for a previous fare or service;
 - (b) Upon being requested by such owner or driver, refuses to disclose his or her final destination before or immediately after entering the cab;
 - (c) Asks to be driven to a remote place in circumstances which such owner or driver reasonably believes to be unsafe; or
 - (d) Is unduly obnoxious or abusive.
- (4) An owner who drives his or her cab, or a driver, may seek police assistance to have removed from his or her taxicab a person to whom he or she has a right to refuse service.
- (5) An owner who drives his or her cab, or a driver, is guilty of an offence who:
 - (a) Refuses to serve a person requesting the services of his or her cab;
 - (b) Pleads some previous engagement; and
 - (c) Does not give the name and address of the person to whom he or she is so engaged, together with the time and place of such engagement, to the Municipal Licensing and Standards Division when requested by them to do so. **[Amended 2008-03-05 by By-law No. 230-2008]**
- (6) Subject to Subsection K(1), (3) and (5) of this section, any driver or owner driving his or her own taxicab, who has accepted an engagement for the provision of service by his or her taxicab from a person requesting such service, and who is proceeding directly to fulfil such engagement, may display a card or sign in a form supplied by the Municipal Licensing and Standards Division indicating that this taxicab is on call.
- (7) Subject to the provisions of this article, any driver or owner driving his or her own taxicab, who is off duty or whose taxicab is otherwise not available for service to the public, may display a card or sign in a form supplied by the Municipal Licensing and Standards Division indicating he or she is off duty.
- (8) No owner or driver shall exhibit on or about his or her taxicab any card, sign or other notice indicating or suggesting that his or her taxicab is on call or off duty except as permitted by this section.

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- L. Every driver and every owner driving his or her own taxicab, whose taxicab is equipped with a two-way radio pursuant to a contract, agreement or arrangement with a taxicab broker for the obtaining of fares, shall activate the said radio when he or she first enters the said taxicab and maintain it in full operation so as to permit him or her to receive calls from the said broker throughout the period in which he or she is operating the said taxicab in the City of Toronto.
- M. The Municipal Licensing and Standards Division may, upon receiving information which indicates that a standard taxicab has not been actively operated in providing taxicab service to the public for two full shifts daily for at least five days during any seven-day period, require that the owner of that standard taxicab attend before the Toronto Licensing Tribunal for a hearing to determine whether the licence should be suspended, revoked or have conditions placed on it.
- N. Maximum hours in a shift.
- (1) No driver shall operate a taxicab for more than 12 hours during any period of 24 consecutive hours.
 - (2) No owner shall permit any driver to operate such owner's taxicab for any period in excess of the hours prescribed by this section.
- N.1. Every owner of an ambassador taxicab licence shall operate his or her cab for a minimum of 36 hours during any seven-day period. **[Added 2003-05-23 by By-law No. 369-2003]**
- N.2. Despite Subsection N.1, the Executive Director, or his or her designate, may exempt an owner of an ambassador taxicab licence from the minimum hours of operation required by Subsection N.1 where he or she is satisfied that: **[Added 2003-05-23 by By-law No. 369-2003]**
- (1) The owner is unable to operate his or her cab for the minimum required hours by reason of illness or vacation; and
 - (2) The illness or vacation has been reported to the Municipal Licensing and Standards Division within two weeks of the vacation or illness.
- O. Every owner and driver shall take due care of all property delivered or entrusted to him or her for conveyance or safekeeping. Every driver, immediately upon the termination of any hiring or engagement, shall carefully search his or her cab for any property lost or left therein, and all property or money left in his or her cab 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.
- P. No driver or owner shall knowingly drive or permit to be driven about the streets in his or her cab any person for the purpose of soliciting from the cab for acts of prostitution.

- Q. No owner or driver shall induce any person to employ his or her cab 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.
- R. No person licensed under this chapter who is operating a cab, other than a cab which is actually being used for the transportation of children to and from school or for the transportation of one or more persons with disabilities pursuant to an agreement between any owner or taxicab broker and the Toronto Transit Commission, shall take on any additional passenger after the cab has departed with one or more passengers from any starting point except at the request of a passenger already in the cab or with the approval of the Municipal Licensing and Standards Division due to special emergency conditions.
- S. Every driver shall:
- (1) Report forthwith to his or her employer any accident in which he or she was involved while operating his or her employer's cab; and
 - (2) At the expiration of his or her work period return the cab to his or her employer and shall not at any time abandon the cab or permit any other person to drive same.
- T. Transportation of children to or from school.
- (1) The owner or driver of a cab shall, while such cab is being used for the transportation of children to or from school, observe and comply with the following regulations:
 - (a) Not more than six children shall be at any one time carried in a standard five-passenger cab, and not more than eight children shall be carried at any one time in a standard seven-passenger cab.
 - (b) No child shall be permitted to stand while the cab is in motion.
 - (c) The cab shall carry on the front and at the rear thereof signs not less than 27 centimetres by 35 centimetres in size clearly and visibly displaying the words "School Vehicle" in black letters on a white or yellow background.
 - (d) The signs referred to in Subsection T(1)(c) shall be carried only when the cab is actually engaged in transporting children to or from school and shall be removed when the cab is engaged in any other business.
 - (2) The rates contained in Appendix C, Tariff A, at the end of this chapter shall not apply to cabs being used for the transportation of children to or from school.

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- U. A driver or owner driving his or her own cab may carry parcels, letters or documents without carrying a passenger at the same time, provided that:
- (1) The driver or owner driving his or her own cab maintains the taximeter in the taxicab driven by him or her in operation throughout the trip;
 - (2) The driver or owner driving his or her own cab takes the shortest possible route to the destination;
 - (3) The driver or owner driving his or her own cab charges the amount of the fare registered on the meter; and
 - (4) No passenger is accepted by the driver after he or she has been engaged to deliver such parcel, letter or document.
- V. Name of owner of cab to appear on driver's licence; information to be provided by driver to broker.
- (1) No driver shall operate, and no owner shall permit any driver to operate, any cab unless the name of the owner of such cab has been endorsed on such driver's Toronto taxicab driver's licence by the Municipal Licensing and Standards Division not later than the next business day after the driver commenced employment with such owner.
 - (2) In Subsection V(1) of this section, "business day" means any day on which the offices of the Municipal Licensing and Standards Division are open for business.
 - (3) Every owner and every lessee of a taxicab, in respect of whose taxicab there is a contract, agreement or arrangement with a taxicab broker for the accepting of calls for service, shall, forthwith after the commencement by every driver of a contract, agreement or arrangement pursuant to which the said driver is to drive the said taxicab, provide to the said taxicab broker the name and Toronto taxicab driver's licence number of the said driver and the time when he or she first commenced to drive the said taxicab pursuant to the said contract, agreement or arrangement.
 - (4) Upon the termination of a contract, agreement or arrangement as described in Subsection V(3), the said owner or lessee shall forthwith notify the taxicab broker of the said termination.
- W. Use of cellular telephones. **[Added 2003-05-23 by By-law No. 368-2003]**
- (1) Definition. As used in this subsection, the following term shall have the meaning indicated:

EMERGENCY — In the case of an outgoing call, situations including the medical distress of a passenger, traffic accidents, fires and the commission of

crimes which are observed by a driver or owner driving his or her taxicab; and in the case of incoming calls, includes family crises such as a medical emergency.

- (2) No driver or owner driving his or her taxicab shall use a cellular telephone while the taxicab is for hire, passengers are in the vehicle and the taxicab is engaged in transporting passengers, except in an emergency.

X. Operation of accessible taxicabs. [**Added 2005-10-28 by By-law No. 903-2005**]

Every owner and every driver of an accessible taxicab shall:

- (1) Notify the passenger that he or she has arrived at the pick up point;
- (2) Provide appropriate assistance to the passenger when requested; and
- (3) Properly and safely handle customer mobility aides.

§ 545-149. Insurance.

A. Policy of insurance; certified copy or certificate.

- (1) Every owner shall, in respect of each cab 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 \$2,000,000 (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; and the said policy shall make provision for passenger hazard 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 No. 248-2003**¹⁰⁴]
- (2) The policy of insurance and the certified copy or certificates referred to in Subsection A(1) shall include the name of every person having an interest in the taxicab, including any lessee of the taxicab under § 545-145.

B. The Executive Director or his or her designate may, notwithstanding anything else contained in this chapter, suspend a taxicab owner's licence in respect of any cab as to which there has been a failure to comply with Subsection A or where there has been a cancellation of a policy of insurance filed under Subsection A; and such suspension shall continue until there has been satisfactory compliance with Subsection A.

¹⁰⁴ 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 2003-06-01.

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§ 545-150. Rates and fares.

- A. Subject to the provisions of Subsection E(3), (4) and (4.1) of this section, the rates or fares to be charged by the owners or drivers of taxicabs shall be exactly as shown in Appendix C, Tariff A, at the end of this chapter, and no greater or lesser amount shall be demanded or received, provided that owners or drivers may charge a lesser amount to passengers in need who are over 65 years of age or are persons with disabilities. **[Amended 2003-04-16 by By-law No. 214-2003]**
- B. When operating on a meter basis, the rate of fare charged shall be exactly as shown by the taximeter, together with any additional charges authorized by Appendix C, Tariff A, at the end of this chapter.
- C. No owner or driver shall publish or use a tariff or demand or receive rates and charges other than those authorized by this chapter, whether such rates and charges are determined by distance or by time.
- D. No owner or driver shall be entitled to recover or receive any fare or charge from any person or persons from whom he or she shall have demanded any fare or charge greater or less than those authorized by this chapter, or to whom he or she has refused to show his or her tariff card as provided in this chapter.
- E. Taximeters to be placed in operation; flat rates.
- (1) When a passenger first enters a taxicab which is equipped with a taximeter, the driver of the taxicab shall immediately place the said taximeter in an operating position and maintain it in operation throughout the trip.
 - (2) Every driver and every owner driving his or her own taxicab, providing taxicab service to a passenger, shall take the shortest possible route to the destination desired unless the passenger designates another route.
 - (3) If a call extends more than five kilometres beyond the limits of the City of Toronto, the driver and passenger may agree before the start of the trip to a flat rate, but the driver shall maintain the taximeter in operation at all times within the limits of the City of Toronto or within five kilometres therefrom.
 - (4) When a trip originates within the City of Toronto, excluding the area bounded by Kipling Avenue on the east, Finch Avenue on the north, Eglinton Avenue on the south and the western boundary of the City of Toronto, and terminates at Lester B. Pearson International Airport, the passenger may be charged a flat rate equal to the rate applicable in Appendix M, Taxi Tariffs from the City of Toronto to Lester B. Pearson International Airport, for that trip or the passenger may elect to pay the metre rate, whichever is lower. **[Amended 2007-09-27 by By-law No. 1082-2007]**
- (4.1) Where a taxicab brokerage has entered into a flat rate arrangement in accordance with § 545-129.1A of this chapter, the driver who services the call

shall place and maintain in operation the taximeter in the taxicab that he or she is driving, and the rate or fare to be charged to the customer for the trip shall be the flat rate. **[Added 2003-04-16 by By-law No. 214-2003; amended 2007-09-27 by By-law No. 1082-2007]**

- (5) Every driver or owner who drives his or her own taxicab shall place the taximeter in the taxicab which he or she is driving in operation when a passenger is in the said taxicab within the City of Toronto or within five kilometres therefrom.
 - (6) Every driver or owner who drives his or her own taxicab, who fails to place his or her taximeter in operation as required by this section or who fails to maintain it in operation as required by this section and who charges a passenger for a fare for a trip during which such failure occurs is guilty of an offence.
- F. At the conclusion of the trip, the driver or owner driving his or her own cab shall call the passenger's attention to the amount of fare registered on the taximeter and place the taximeter in a non-operating position.
 - G. No licensed person shall make any charge under this chapter for time lost through defects or inefficiency of the cab or incompetency of the driver thereof or for time consumed by the arrival of the cab in response to a call in advance of the time such cab has been requested by the person calling same.
 - H. The tariff or rates herein authorized shall be computed from the time when or place at which the passenger or passengers first enter the cab to the time when or place at which the passenger or passengers finally discharge the cab.
 - I. Every driver and owner, while operating a taxicab, shall keep and maintain at all times in such taxicab at least \$20 in bills and coins of denominations less than \$20, such that change may be provided to passengers of such taxicab.
 - J. No owner shall allow to be operated and no driver shall operate any cab without having the tariff card supplied by the Municipal Licensing and Standards Division with respect to that cab displayed in the holder provided for in § 545-136E(1)(d) of this article.
 - K. No owner shall allow to be operated and no driver shall operate any cab without a sign, as approved by the Executive Director or his or her designate, to indicate clearly that the fare as shown on the taximeter includes the goods and services tax.
 - L. Receipts.
 - (1) A driver or owner shall give a passenger a receipt showing the driver's or owner's name and identification number, when requested or whenever there is a dispute over the fare.

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- (2) Despite Subsection L(1) of this section, every owner and driver shall at the conclusion of each trip give each passenger a receipt stating the date, the time of the commencement and conclusion of the trip, the distance travelled, the plate number of the taxicab, the total fare charged and the Municipal Licensing and Standards Division taxicab customer service telephone number. **[Amended 2003-06-26 by By-law No. 523-2003]**
- M. When a dispute arises with a passenger as to the fare, the driver or owner in charge of the cab may, if the passenger agrees, refer the dispute to the officer in charge of the nearest police station, and if the driver or owner was correct in the demand for fare made by him or her, he or she may add thereto an amount equal to the proper charge under Appendix C, Tariff A, at the end of this chapter for the distance travelled from the place where the dispute arose to the police station, and any reasonable waiting time while the dispute was being investigated.
- N. (Reserved)¹⁰⁵
- O. Subsections A and F of this section do not apply to taxicab service provided to one or more persons with disabilities pursuant to an agreement between any owner or taxicab broker and the Toronto Transit Commission.
- P. No owner shall allow to be operated and no driver shall operate any cab without having multiple copies of an airport flat fee map to be supplied by the Municipal Licensing and Standards Division and every driver shall, upon request, provide copies of the map to passengers. **[Added 2008-06-24 by By-law No. 648-2008]**

§ 545-151. Corporations; share transfers.

- A. Transfer of existing shares and issuance of new shares; review of licence.
- (1) Where a corporation is the holder of a cab 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 all new shares of the capital stock of the corporation.
- (2) 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.

¹⁰⁵ Editor's Note: Former § 545-150N, which required the driver to turn over money and trip sheet at the end of each shift, was repealed 2002-10-03 by By-law No. 739-2002, which by-law came into force 2002-10-31. By-law No. 847-2002, adopted 2002-10-30, revised the effective date of By-law No. 739-2002 to 2003-01-01.

- B. Termination of licence upon transfer of controlling interest in corporation; review of licence.
- (1) Where, by the transfer or sale of issued shares in, or by the issuance of new shares of, a corporation holding one or more cab owner's licences, 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.
 - (2) 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.
- C. Where an individual or individuals related to each other, or not operating at arms length, holds or hold the controlling interest in two or more corporations, or has or have at any time within the previous five years held the controlling interest in any one or more of such corporations, no new licence shall be issued to any such corporations if any one of them has within the previous five years been a vendor in a taxicab transaction under the provisions of this chapter.
- D. Where the shares in a corporate owner 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 owner, an annual return as provided in § 545-134G of this article, and in such return disclose 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 under § 545-134G, 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, direct or indirect, in any owner's licence.

§ 545-152. (Reserved)¹⁰⁶

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.

¹⁰⁶ Editor's Note: Former § 545-152, Livery cabs, was repealed 2005-07-21 by By-law No. 706-2005; said By-law No. 706-2005 provided that it comes into force 2005-09-01.

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§ 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 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.

Every person who owns or keeps any place (other than an ice cream parlour in a hotel as defined by the *Municipal Act*¹⁰⁷) 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 (other than a restaurant or cafe in a hotel as defined by the *Municipal Act*) shall provide:

- A. Adequate supervision of dining rooms, including outside eating areas;
- B. A sufficient number of attendants to ensure that outside eating areas are kept clean and free of refuse 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 refuse.

ARTICLE XI

Holistic Centres and Holistic Practitioners

§ 545-158. Definitions.

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

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 No. 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 No. 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;

¹⁰⁷ Editor's Note: See R.S.O. 1990, c. M.45.

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- 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 No. 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 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 No. 656-2004; amended 2005-07-26 by By-law No. 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 No. 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 No. 719-2005; 2005-12-07 by By-law No. 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

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- if the information contained within them has changed since they were previously filed by the licensee.
- 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 No. 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.
- 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 No. 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 No. 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.

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- 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.

§ 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 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.

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- 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:
 - (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)¹⁰⁸

§ 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 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 No. 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 Commissioner shall at all times have access to such records. **[Amended 2004-07-22 by By-law No. 656-2004]**

¹⁰⁸ Editor's Note: Former § 545-170, Provision of holistic services by owners of holistic centres, was repealed 2004-07-22 by By-law No. 656-2004.

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§ 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 No. 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.

§ 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.
- 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 No. 719-2005]**

TORONTO MUNICIPAL CODE
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§ 545-178

- 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 No. 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 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 No. 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 No. 719-2005]**

TORONTO MUNICIPAL CODE
LICENSING

§ 545-185

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

[Amended 2005-07-26 by By-law No. 719-2005]

A. Definitions.

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

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 No. 656-2004; 2005-07-26 by By-law No. 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.

ARTICLE XII

Owners of Barber-Shops or Hairstylist or Hairdressing Establishments

§ 545-187. Barbers, hairdressers and hairstylists to be certified or registered apprentices.

No person licensed as the owner of a barber-shop or of a hairstylist or hairdressing establishment shall employ any person as a barber, hairdresser, or hairstylist in such shop or establishment, or permit any person to engage in the trade of a barber, hairdresser or hairstylist therein, unless such person employed or engaged in the trade of barber, hairdresser or hairstylist as aforesaid is:

- A. The holder of a current certificate of qualification as a hairstylist issued pursuant to Regulations made under the *Trades Qualification and Apprenticeship Act*, as amended;¹⁰⁹ or
- B. Registered with the Director of Apprenticeship as an apprentice hairstylist under the *Trades Qualification and Apprenticeship Act*, as amended.¹¹⁰

§ 545-188. Owners of hairstylist and hairdressing establishments to be certified or registered apprentices if engaging in trade of hairdresser or hairstylist.

No person licensed as the owner of a hairstylist or hairdressing establishment shall actively engage in the trade of a hairdresser or hairstylist therein unless such person is the holder of a current certificate of qualification, or is registered with the Director of Apprenticeship as an apprentice hairstylist.

§ 545-189. Owners of barber-shops to be certified or registered apprentices if engaging in trade of barber or hairstylist.

No person licensed as the owner of a barber-shop shall actively engage in the trade of a barber or hairstylist therein unless he or she is the holder of a current certificate of qualification, or is registered with the Director of Apprenticeship as an apprentice hairstylist.

§ 545-190. Regulations for operation of barber-shop or hairstylist or hairdressing establishment.

Every person licensed as the owner of a barber-shop or hairstylist or hairdressing establishment shall comply with the following regulations in respect to the operation of such shop or establishment:

- A. Adequate facilities shall be provided for a continuous supply of hot water.

¹⁰⁹ Editor's Note: See R.S.O. 1990, c. T.17.

¹¹⁰ Editor's Note: See R.S.O. 1990, c. T.17.

TORONTO MUNICIPAL CODE
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§ 545-190

- B. All razors, scissors, combs and other instruments shall be properly cleaned and disinfected by immersion in water heated to the boiling point or in a solution of a suitable and efficacious recognized germicide before being used on a customer and shall not be used on any other customer without being disinfected again.
- C. All hair brushes shall be immersed in a strong solution of a recognized disinfectant or water heated to the boiling point, rinsed in clear water and properly dried before being used on any customer, and all shaving brushes shall be cleansed in the same manner as hair brushes and shall be rinsed in very hot water or disinfected in such a manner as is approved by the Medical Officer of Health, before each and every use.
- D. For shaving purposes, only powdered or liquid soap, shaving cream or other lathering appliances approved by the Medical Officer of Health shall be used, and, if prepared in a shaving mug, such mug shall be thoroughly cleansed each time before using.
- E. On the back of every chair used for the purposes of his or her business, there shall be placed a roll of clean paper in such a way as to provide a cover for the head rest, and a fresh clean section of the said roll of paper shall be used for each customer.
- F. Fresh, separate, individual, clean neck bands or clean towels shall be placed around the neck of each customer immediately under the hair cloth.
- G. Each towel or steamer used shall be individual, fresh and clean, and after being used, such towel or steamer shall immediately be deposited in a receptacle reserved for that purpose and shall not again be utilized for any purpose before being freshly laundered.
- H. No caustic or styptic pencils, powder puffs or sponges shall be used.
- I. Alum or other astringent may be applied but only when in liquid or powdered form.
- J. No customer shall be shaved whose neck or face is broken out with a rash, and no customer shall be served when the surface which is to be treated is inflamed or broken out with a rash.
- K. No shop or establishment, in respect of which a licence is issued, shall be used for living, dining or sleeping purposes.
- L. No sink or basin used for domestic purposes shall be used in connection with any barber-shop or hairstylist or hairdressing establishment.
- M. No food or soft drinks, except small wrapped articles of confectionery such as chocolate bars, or chewing gum, shall be for sale or sold on the premises, and no food or beverages shall be served on the premises free of charge.

§ 545-191. Walls and ceilings to be light-coloured.

Every person licensed as aforesaid under this chapter shall have the walls and ceilings of the premises in respect to which the licence is issued painted with light-coloured paint, whitened or papered with a light-coloured paper, all to the satisfaction of the Medical Officer of Health.

§ 545-192. Regulations for licensed premises.

Every person licensed as aforesaid under this chapter shall, in the licensed premises, to the satisfaction of the Medical Officer of Health:

- A. Provide proper lighting and ventilation;
- B. Keep the furnishings in a sanitary condition at all times;
- C. Keep an ample supply of running hot and cold water;
- D. Have available proper sanitary conveniences for all employees; and
- E. Keep posted in a conspicuous location the regulations contained in this section and in §§ 545-190, 545-191, 545-193, 545-194 and 545-195 of this article.

§ 545-193. Regulations concerning barbers.

Every person licensed under this chapter as the owner of a barber-shop shall, when actively engaged in such shop as a barber:

- A. Wear a light-coloured coat of washable material which shall be kept clean and worn only in the said shop, provided that, during the period in each year between May 15th and October 15th next following, a clean white shirt may be worn in place of a light-coloured coat;
- B. Wash his or her hands with hot water and soap and scrub them carefully before attending to each customer; and
- C. Satisfy the Medical Officer of Health as to his or her freedom from communicable or transmissible disease and submit to such medical examinations and tests as the Medical Officer of Health may require.

§ 545-194. Owners of barber-shops to ensure compliance with regulations by barbers.

Every person licensed under this chapter as an owner of a barber-shop shall require every employee actively engaged in such shop as a barber to comply with the regulations set out in § 545-193 and shall not employ or continue to employ any person who does not so comply.

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§ 545-195

§ 545-195. Regulations concerning hairdressers and hairstylists.

Every person licensed under this chapter as the owner of a hairstylist or hairdressing establishment shall, when actively engaged in such shop as a hairdresser or hairstylist:

- A. Wear a light-coloured coat or smock of washable material which shall be kept clean and worn only in such establishment;
- B. Wash his or her hands with hot water and soap and scrub them carefully before attending to each customer; and
- C. Satisfy the Medical Officer of Health as to his or her freedom from communicable or transmissible disease and submit to such tests as the Medical Officer of Health may require.

§ 545-196. Owners of hairstylist and hairdressing establishments to ensure compliance with regulations by hairdressers.

Every person licensed under this chapter as the owner of a hairstylist or hairdressing establishment shall require every employee actively engaged in such shop as a hairdresser to comply with the regulations set out in § 545-195 and shall not employ or continue to employ any person who does not comply.

§ 545-197. Location of barber-shop or hairstylist or hairdressing establishment in private residence or basement.

No person shall be licensed under this chapter as the owner of a barber-shop or hairstylist or hairdressing establishment in respect of a barber-shop or hairstylist or hairdressing establishment in a private home, residence or dwelling unit, or in a basement or cellar unless such basement or cellar has been specifically designed for such type of occupancy and approved therefor by the Medical Officer of Health, provided that this section shall not apply to a barber-shop or hairstylist or hairdressing establishment which was, on the first day of January 1957, being carried on in a private home, residence or dwelling unit or in a basement or cellar, so long as the same is continuously used as such.

ARTICLE XIII
Sale of Tobacco Products

§ 545-198. Applicability of article.

This article relates to keepers of stores or shops where tobacco, cigars or cigarettes are sold by retail (other than hotels as defined by the *Municipal Act*¹¹¹).

¹¹¹ Editor's Note: See R.S.O. 1990, c. M.45.

§ 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.

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.

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§ 545-204

§ 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.
- 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 No. 248-2003¹¹²; 2004-10-28 by By-law No. 988-2004¹¹³]

- (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.
- 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.

¹¹² 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 2003-06-01.

¹¹³ Editor’s Note: This by-law came into force 2003-06-01.

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§ 545-209

- 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*.¹¹⁴
- 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 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

¹¹⁴ Editor's Note: See R.S.O. 1990, c. H.8.

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. Every owner of a drive-self rental motorcycle and drive-self rental motor scooter shall for each vehicle for which he or she holds a licence provide and maintain thereon a plate supplied by the Municipal Licensing and Standards Division and bearing an identifying number, which plate shall be securely affixed to the back of the vehicle in a position approved by the Municipal Licensing and Standards Division.

§ 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.

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§ 545-211

- 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.

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 of each Monday, Tuesday, Wednesday, Thursday, Friday and Saturday, 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.

§ 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 11:00 on Saturday afternoon and at 45 minutes past 12:00 in the forenoon on each weekday 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;
 - (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.

§ 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 12:01 in the forenoon and 8:00 in the forenoon of each Monday and between the hours of 1:00 in the forenoon of each Tuesday, Wednesday, Thursday, Friday and Saturday and 8:00 in the forenoon of the same day.
- 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

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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. Daily licence required for circuses and other travelling exhibitions.

No circus, menagerie, hippodrome or other like travelling exhibition, side show, or other entertainment connected therewith shall be exhibited in the City of Toronto for a longer period than one day, unless with the permission of the Municipal Licensing and Standards Division, and unless a new licence is taken out for each day such exhibition or show is exhibited.

§ 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 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*,¹¹⁵ 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*,¹¹⁶ 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

¹¹⁵ Editor's Note: See S.O. 1997, c. 16.

¹¹⁶ Editor's Note: See S.O. 1997, c. 16.

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 on Monday, Tuesday, Wednesday, Thursday and Friday of each week 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.

§ 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) 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 No. 248-2003¹¹⁷]
- 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

¹¹⁷ 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 2003-06-01.

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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*,¹¹⁸ 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.

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.

¹¹⁸ Editor's Note: See R.S.O. 1990, c. L.19.

- 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.

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

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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. Every person who collects laundry work at any office, or 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 or plates bearing a number, one of which shall be affixed, in the case of each office where laundry work is collected, received from or delivered to the public, as provided in § 545-228B hereof, and, in the case of each wagon, cart or other vehicle, in a prominent place on the left-hand side of the outside of each such wagon, cart or other vehicle, and shall remain thereon during the period for which the licence is granted; and except as required by law, no other device displaying a number shall be exhibited upon the outside of such wagon, cart or other vehicle; and such plate or plates 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 or the name and address of his or her laundry legibly printed on each side of each such wagon, cart or other vehicle in letters at least 7.5 centimetres high.

- 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 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

Sale of Horse Meat and Fresh Meat

§ 545-235. Possession of horse meat by licensed fresh meat dealers.

No person who requires a licence under this chapter, except a person licensed to sell fresh horse meat, shall use, sell, offer for sale or have horse meat in his or her possession which might be sold or offered for sale in premises in respect of which the licence is issued except canned or packaged food especially prepared and labelled for consumption by animals.

§ 545-236. Types of licences.

A licence issued under this chapter to persons dealing in fresh meat, except horse meat, shall be known as a “fresh meat dealer’s licence,” and a licence issued under this chapter to persons who sell horse meat shall be known as a “horse meat dealer’s licence.”

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§ 545-237. Horse meat dealer's licence not to be issued in connection with fresh meat dealer's premises.

No horse meat dealer's licence shall be issued in respect of any premises forming part of or being directly connected with any premises in respect of which a fresh meat dealer's licence has been issued.

§ 545-238. Possession of other meat by horse meat dealers prohibited.

No person having a horse meat dealer's licence shall use, sell, offer for sale or have in his or her possession, in the premises in respect of which the licence is issued, any other meat, whether fresh, cooked, canned or mixed with other ingredients.

§ 545-239. Horse meat to be sold in licensed establishments only.

No person shall sell horse meat in any place other than the stores or establishments in respect of which a horse meat dealer's licence is issued.

§ 545-240. Signs on premises selling horse meat.

Every person to whom a horse meat dealer's licence is issued shall erect suitable signs with lettering not less than 10 centimetres high indicating clearly to any person, whether inside or outside, that horse meat is sold in the premises in respect of which the licence is issued.

§ 545-241. Proximity of areas selling fresh meat to public market buildings.

No person licensed as a fresh meat dealer or a horse meat dealer shall cut up or expose for sale any fresh meat in any shop or store (except a shop or store located in a public market building) which is less than 548 metres from any public market building where meat is permitted to be sold.

§ 545-242. Meat not to be sold in quantities smaller than quarter carcass.

No person licensed under this chapter shall sell or offer for sale, in any slaughterhouse or in or upon any shop or premises connected therewith, fresh meat in smaller quantities than the quarter carcass.

§ 545-243. Equipment for hanging and cutting meat; removal of hides and other material.

Every person having a fresh meat dealer's licence or a horse meat dealer's licence shall provide proper racks and hooks for hanging meat and proper blocks and tables for cutting up the same; and shall keep his or her shop or store in a clean and proper state. He or she

shall not permit nor suffer any offal, hides or tallow to remain on or near the premises after 8:00 in the morning from the first day of May to the first day of September in each year or after 9:00 in the morning during the rest of the year.

§ 545-244. Meat to be inspected.

- A. No person having a horse meat dealer's licence shall purchase, use, sell, offer for sale or have in his or her possession any horse meat unless such horse meat has been inspected by the Canadian Food Inspection Agency or by the Ministry of Agriculture, Food and Rural Affairs of the Province of Ontario, and bears on the carcass or packaging the inspection legend of such inspecting agency.
- B. No person having a fresh meat dealer's licence shall purchase, use, sell, offer for sale or have in his or her possession any meat unless such meat has been inspected by the Canadian Food Inspection Agency or by the Ministry of Agriculture, Food and Rural Affairs of the Province of Ontario, and bears on the carcass or packaging the inspection legend of such inspecting agency.

§ 545-245. Horse meat to be identified.

No person shall sell, offer for sale or distribute horse meat, either to a person licensed under this chapter or to the public for human consumption, unless such horse meat bears a strip brand indicating that it is horse meat. Such strip brand shall contain only the words "horse meat" in letters not less than 11 millimetres high.

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.

VETERINARIAN — A person registered and entitled to practise veterinary science under the *Veterinarians Act*,¹¹⁹ as amended.

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

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

¹¹⁹ Editor's Note: See R.S.O. 1990, c. V.3.

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§ 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;
 - (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.

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§ 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:
 - (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.

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.

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

- A. Every keeper shall keep a register in which shall be entered in the English language, written in ink, in a plain, legible hand, a record of each dog purchased or otherwise obtained. Each entry shall be made at the time each dog comes into such keeper's possession, and shall include, in addition to the date of purchase, a full description of the dog, 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 Commissioner, 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 Commissioner 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.

§ 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

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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.

§ 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.

ARTICLE XXI
(Reserved)¹²⁰

§ 545-261. (Reserved)

§ 545-262. (Reserved)

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 parking station, a parking lot, a building or a place where motor vehicles are hired, used for hire, sold or kept for sale capable of accommodating:
 - (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.

¹²⁰ Editor's Note: Former Art. XXI, Owners and Operators of Public Address Systems, Sound Equipment, Loudspeakers and Similar Devices, was repealed 2006-09-27 by By-law No. 964-2006. See now Ch. 591, Noise.

- 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. Drop-fees.

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

DRIVER — A driver of a tow truck, who is licensed as such or is required to be licensed as such under this chapter.

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

- (1) The agent of the owner of a towed 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 towed vehicle or the legal right to possession thereof.

OWNER — An owner of a tow truck or tow trucks, who is licensed as such or is required to be licensed as such under this chapter.

TOWED VEHICLE — A motor vehicle:

- (1) Towed or otherwise conveyed by a tow truck; and
- (2) In respect of which a contract or agreement is made or intended to be made for the towing or otherwise conveying of such motor vehicle, or for the provision of other services thereto 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 for hire to a hirer of the services of a tow truck not owned by such person.

- B. In this section, “drop-fee” means any fee or commission paid to the owner or driver of a tow truck or to a tow truck broker in return for the towing or otherwise conveying of a motor vehicle to a particular place, other than or in addition to the amount to which the owner or driver of the tow truck is authorized to charge to the hirer in accordance with the provisions of Article VI of this chapter.

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- C. No owner or operator of a public garage shall directly or indirectly pay or give to the owner or driver of a tow truck or to a tow truck broker any charge, gift, payment, drop-fee, thing or other consideration in respect of or in consideration for the towing or conveying of a motor vehicle to the public garage of such owner or operator or to any other particular place.
- D. This section does not prohibit:
- (1) Any payment for the towing or otherwise conveying of a motor vehicle owned by the owner or operator of the public garage, provided that such payment is authorized by this chapter to be charged to such owner or operator as hirer.
 - (2) Where the owner or operator of a public garage is the owner of a tow truck or is a tow truck broker, the payment by him or her to the driver of a tow truck owned or provided by such owner or operator of the public garage, provided that:
 - (a) Full disclosure in writing of such payment and of the services in respect of which it is made, is made to the hirer before any charge is made to him or her in respect of such services; and
 - (b) No charge may be made to the hirer in respect of such services other than as authorized by §§ 545-100, 545-101, 545-102 and 545-103 of Article VI of this chapter for the services referred to therein.
 - (3) Any payment by the owner or operator of a public garage to the owner or driver of a tow truck or to a tow truck broker of a fee for towing or other services, provided that such payment is authorized by this chapter to be charged to the hirer of the tow truck in respect of such services, and is paid on behalf of and at the request of such hirer.

§ 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 parking infraction notice issued in accordance with Part II of the *Provincial Offences Act*, as amended;¹²¹
- B. A Toronto Police Services tow card issued by the municipal law enforcement officer who issued the parking infraction 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

¹²¹ Editor's Note: See R.S.O. 1990, c. P.33.

- 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 parking infraction notice and a Toronto Police Service tow card, has been posted at the said public garage in a clearly visible location, stating:
- (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.¹²²

§ 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

¹²² Editor's Note: See R.S.O. 1990, c. H.8.

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- 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.

§ 545-268. Owners and operators of public garages other than those described in §§ 545-269, 545-270 and 545-271 and to owners and keepers of service stations as set out in § 545-2A(40).

- 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 or automobile service station premises to any sidewalk or roadway upon which such premises abuts.
- 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*¹²³ 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.

¹²³ Editor's Note: See R.S.O. 1990, c. E.19.

§ 545-269. Owners and keepers of public garages used as parking stations and parking lots.

- 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. Every applicant for a licence to own or operate a parking station or parking lot shall include in his or her application a statement setting forth:
- (1) The location and dimensions of the lands in respect to which he or she seeks such licence (hereinafter referred to as the “licensed premises”);
 - (2) The maximum number of motor vehicles proposed to be parked or stored at or upon such premises at any one time;
 - (3) The hours during which such premises shall be open for business;
 - (4) The location of each proposed entrance to and exit from such premises; and
 - (5) The location, size and type of construction of any office proposed to be used or erected at or upon such premises.
- C. Every person to whom this section relates shall:
- (1) 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*¹²⁴ and shall not employ any person or permit any employee likewise to drive or operate such motor vehicles unless such person is the holder of such a driver’s licence.
 - (2) Display in a conspicuous place at or upon the licensed premises a sign or signs of a design which is not misleading and bearing:
 - (a) In letters and figures of a uniform size but not less than 7.5 centimetres in height, his or her rates or charges for parking or storing motor vehicles; and
 - (b) In readily legible letters, the hours during which the licensed premises is open for business, together with his or her name and address.
 - (3) Provide proper means of ingress and egress to and from the licensed premises, to the satisfaction of the Executive Director or his or her designate; provided that, in the case of any parking station or 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 the 19th day of December, 1956, the said entrance or exit was properly located less than 7.6

¹²⁴ Editor’s Note: See R.S.O. 1990, c. H.8.

- metres from such intersection and was in accordance with all local by-laws applicable thereto.
- (4) Either by himself or herself or through one or more employees, during business hours specified in the sign or signs required by Subsection C(2), maintain constant and vigilant supervision of every motor vehicle parked or stored at or upon the licensed premises; provided that this provision shall not apply in the case of any licensed premises where each motor vehicle can be parked or stored, and locked by the owner or operator thereof in a location from which such motor vehicle can be removed without obstruction from other parked or stored motor vehicles.
 - (5) Keep the licensed premises free from rubbish and 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.
 - (6) Prevent the drainage of surface water across any sidewalk upon which the licensed premises abuts.
 - (7) At the time of receiving each motor vehicle for the purpose of parking or storing same at or upon the licensed premises, give or cause to be given to the person from whom the motor vehicle is received a numbered receipt bearing on the same side as the number:
 - (a) 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; and
 - (b) The licensee's name, the location of the licensed premises, and the business hours specified on the sign or signs required by Subsection C(2).
 - (8) Whenever any motor vehicle remains continuously without lawful excuse at or upon the licensed premises for more than 24 hours, forthwith report to the nearest police station the make and provincial permit number of such motor vehicle.

D. No person to whom this section relates shall:

- (1) Remove or cause to be removed any snow from the licensed premises to any sidewalk or roadway upon which such premises abuts;
- (2) Park or store any motor vehicle on any highway upon which the licensed premises abuts;

- (3) Lend, hire, rent, or cause or permit any employee or other person to lend, hire or rent any motor vehicle that has been received by him or her or any of his or her employees for the purpose of parking or storing same at or upon the licensed premises, or use, or cause or permit any employee or other person to use, any such motor vehicle or any accessory or equipment thereof except for the purposes necessarily incidental to parking or storing same, or if the licensee is also licensed to make motor vehicle repairs, necessarily incidental to make repairs thereto.
- E. 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.
- F. 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.
- G. No person to whom this section relates shall store or park or allow to be stored or parked on the licensed premises for a longer period than 10 minutes any refreshment vehicle used, while so stored or parked, for the purpose of serving refreshments therefrom.
- H. Definitions. **[Added 2004-07-22 by By-law No. 725-2004]**
- As used in this section, the following term shall have the meaning indicated:
- 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.
- I. No person to whom this section relates shall undertake or cause any parking enforcement activities to be undertaken, unless the person has obtained a private property enforcement agency licence under this chapter or the parking enforcement activities are done on the person's behalf by a private parking enforcement agency licensed under this chapter. **[Added 2004-07-22 by By-law No. 725-2004]**

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- J. No person to whom this section relates, or any person employed, engaged or otherwise acting under the authority of a person to whom this section relates, shall issue any document, tag, ticket or notice, or request or demand for payment in relation to vehicles parking on the licensed premises, other than a parking infraction notice under Part II of the *Provincial Offences Act*, as amended, a Toronto Police Service tow card or other document as approved by the Chief of Police, and the person to whom this section relates shall ensure compliance with § 545-269I. **[Added 2004-07-22 by By-law No. 725-2004]**

§ 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.
- (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 or automobile service station premises to any sidewalk or roadway upon which such premises abuts.
- 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;
 - (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.

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- (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.
 - (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;
 - [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

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- [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, 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. Owners and operators of public garages used as 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 use or permit his or her automobile service station to be used for the purpose of wrecking, parking, storing or selling motor vehicles, or, except in an enclosed building for washing motor vehicles, or except in an enclosed building for vulcanizing tires or tubes, or for performing therein any repairs to motor vehicles other than minor or running repairs essential to the actual operation of such vehicles.
- C. Restrictions on licensing certain premises; limitations on activities.
 - (1) A licence shall not be granted to any person as the owner or operator of a public garage located or erected since the 25th day of June, 1928, within any defined area or areas or on land abutting on any defined highway or part of a highway in which area or areas or on which land the erection or location of garages for hire or gain or gasoline and oil filling stations was on the said date or at any time thereafter prohibited by a by-law passed by a council of an area municipality, but such person may be licensed only as the owner or keeper of an automobile service station in respect to any premises or building so located or erected.
 - (2) No person to whom this subsection relates shall use or permit his or her automobile service station to be used for the purpose of wrecking, parking, storing or selling motor vehicles, or except in an enclosed building for washing motor vehicles, or for vulcanizing tires or tubes or for exhibiting for sale any tires, tubes, tire accessories, electric light bulbs, spark plugs or batteries for motor vehicles except in an enclosed building, or for exhibiting the same in any display window, or for performing therein any repairs to motor vehicles other than minor or running repairs essential to the actual operation of such vehicles, or for storing and keeping for sale any articles, accessories or merchandise of any kind other than gasoline, oil, grease, anti-freeze, tires, tubes, tire accessories, electric light bulbs, spark plugs and batteries for motor vehicles.
- D. No person to whom this section relates shall remove or cause to be removed any snow from his or her public garage or automobile service station premises to any sidewalk or roadway upon which such premises abuts.

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- E. 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.
- F. 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.

§ 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:
 - (1) Buildings or places used as motor vehicle repair shops; and
 - (2) Automobile service stations as defined in clause 210.151(a) of the *Municipal Act*.¹²⁵
- 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.

¹²⁵ Editor's Note: See R.S.O. 1990, c. M.45.

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.
 - (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.

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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;
 - (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:
 - (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.

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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.

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,¹²⁶ 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.

¹²⁶ Editor’s Note: See R.S.O. 1990, c. E.19.

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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*¹²⁷ 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;

¹²⁷ Editor's Note: See R.S.O. 1990, c. H.8.

- (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.
- (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.

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- (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.

- (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.

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

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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.

§ 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:
- (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).

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§ 545-285. Register of goods received.

[Amended 2010-08-27 by By-law No. 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 No. 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 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 No. 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 No. 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 article relates who purchase, sell or deal in any way in second-hand business machines including typewriters, adding machines, cash

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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 No. 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 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 No. 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

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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 No. 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.

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

[Added 2010-08-27 by By-law No. 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.¹²⁸

ARTICLE XXVI
Swimming Pools and Public Bath Premises Operated for Profit

§ 545-295. Definitions.

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

¹²⁸ Editor's Note: See R.S.O. 1990, c. P.6.

PUBLIC BATH PREMISES — Public bath premises other than swimming pool premises operated for profit.

SWIMMING POOL PREMISES — Swimming pool premises operated for profit other than swimming pool premises used for therapeutic purposes only.

§ 545-296. Requirements prior to licensing swimming pools.

No person shall be licensed as the owner or keeper of a swimming pool premises unless such person, premises and the swimming pool comply with the following requirements:

- A. The water supply intake for the swimming pool shall be so arranged as to prevent any of the contents of the pool being forced into the water supply pipes of the pool premises or the public water supply system.
- B. In the case of a swimming pool constructed after the passing of this chapter, a direct line of drainage, separate from that serving the pool premises, shall be extended directly to the municipal sewers.
- C. The swimming pools shall be equipped with filtration, re-circulation and continuous chlorination equipment, and in the case of a swimming pool constructed after the passing of this chapter, the filtration and re-circulation equipment shall be capable of treating the entire contents of the pool within the period of eight hours or less.
- D. The equipment shall be provided with all supplementary attachments, chemicals and testing sets necessary to allow the proper and effective functioning of the equipment.
- E. The connection for the re-circulation of the water in the pool shall be made at a point which will permit the complete drainage of the floor of the pool.
- F. The pool shall be provided with a scum gutter at or near water level of sufficient depth to prevent re-entry of drainage, and such scum gutter shall be connected through a handhole trap to a sewer.
- G. The floor of every area adjacent to the pool, dressing rooms and shower bathrooms shall be constructed of impervious material and be drained in a manner satisfactory to the Medical Officer of Health.
- H. In the case of an indoor pool, the room containing the pool shall be ventilated in a manner satisfactory to the Medical Officer of Health.
- I. Dressing rooms and adequate shower bathrooms and other facilities for the effective cleansing of the person of all bathers before entering the pool shall be provided.
- J. Adequate sanitary conveniences shall be provided in a location adjacent to the dressing rooms or shower bathrooms.

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- K. The source of drinking water for patrons shall consist of one or more drinking fountains of a design approved by the Medical Officer of Health.
- L. The applicant for a licence shall file with his or her licence application a statement signed by himself or herself and a qualified civil or sanitary engineer that the equipment meets the foregoing requirements, is in first class working condition and operates efficiently.

§ 545-297. Regulations for operation and maintenance of swimming pool and premises.

Every person licensed as the owner or keeper of swimming pool premises shall operate and maintain the pool and premises in accordance with the following regulations:

- A. All filtration, re-circulation and chlorination equipment, all drains, drain and water connections and sanitary conveniences and all shower bathrooms and fixtures shall be maintained in effective condition and working order.
- B. An adequate supply of liquid, powdered or cake soap and towels for the use of patrons shall be maintained on the premises, but no person shall use or be permitted to use any cake of soap previously used by another person.
- C. Duck-boards or cocoa matting shall not be used in the shower, dressing or swimming pool rooms nor shall common combs or brushes be used on the premises.
- D. There shall be maintained in the water of the pool during the entirety of every bathing period an amount of available excess chlorine not less than 0.3 parts per million and not exceeding 0.6 parts per million.
- E. The water in the pool shall not be artificially heated to a temperature above 24 degrees Celsius.
- F. In the case of an artificially heated pool, the air temperature in the pool room shall not during any bathing period be permitted to become more than three degrees Celsius warmer or more than one degree Celsius cooler than the water in the pool, but this provision shall not apply to a pool operated during the summer as an open air pool.
- G. During the entirety of every bathing period, the water in the pool shall be reasonably free from algae growths and sufficiently clean to permit a black disc 15 centimetres in diameter on a white field when placed at the bottom of the pool at its deepest point to be clearly visible from the sidewalks of the pool at all distances up to 9.2 metres measured from a line across the pool through the disc.

- H. Whenever alum or sulphate of alumina are used in connection with the purification or re-purification of the pool water, the water during the entirety of every bathing period shall show an alkaline reaction to methyl red.
- I. The number of bathers using the pool during any twenty-four-hour period shall not exceed 20 persons for each 4.5 cubic metres of clean water added to the pool during such period, and at no time shall the number of bathers exceed three persons per 4.5 cubic metres total capacity; and for the purposes of this regulation, "clean water" means new clean water used to refill the pool, or new clean water used to replace loss by splashing or during cleaning, or water taken from the pool and returned after filtration, or any combination of such waters.
- J. The licensee shall not permit any person to use the pool unless such person shall have first effectively used the facilities for cleansing the person.
- K. Bathing suits and towels shall be washed and handled in a manner satisfactory to the Medical Officer of Health.
- L. A properly qualified swimming supervisor and a responsible and trained pool operator shall be in attendance at the pool during the entirety of every bathing period, and the pool shall not be used in the absence of either the supervisor or the operator.

§ 545-298. Requirements prior to licensing public bath premises.

No person shall be licensed as the owner or keeper of a public bath premises unless such premises complies with the following requirements:

- A. The premises shall be provided with adequate light and ventilation and with a wash-room containing adequate toilet and lavatory accommodation.
- B. The wash-room and any living quarters on the premises shall be separate from the steam room and shower bath room.
- C. The walls, ceiling and floor of every steam room and shower room shall be impervious, and such floor shall be provided with a floor drain installed as a plumbing fixture.
- D. Felt hats, other than those which are the property of the respective patrons or users, shall not be used in the steam room, but clean towels shall be used in lieu thereof.
- E. Duck-boards or cocoa matting shall not be used in the shower, dressing or steam room; and only liquid, powdered or cake soap shall be used in the shower room, but no person shall use or be permitted to use any cake of soap previously used by another person.
- F. The floor covering of the locker room and wash-room shall be washable.

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- G. Lockers shall be constructed of metal and placed on a solid base at least 15 centimetres in height.
- H. The source of drinking water for patrons shall consist of one or more drinking fountains of a design approved by the Medical Officer of Health.
- I. Each wet steam bath faucet on the premises shall be equipped with a quick-opening self-closing valve.
- J. At least one attendant shall be on duty at all times whenever one or more wet steam baths on the premises is or are in use.

§ 545-299. Regulations for operation and maintenance of public bath premises.

Every person licensed as the owner or keeper of a public bath premises shall comply and maintain and operate such premises in accordance with the following regulations:

- A. The premises and all fixtures and equipment therein shall be regularly washed and be kept in a sanitary condition.
- B. The floors of the steam room and shower room shall be disinfected at least once a week with a disinfecting solution approved by the Medical Officer of Health.
- C. Common foot baths shall not be provided on the premises, but individual foot baths that may be easily cleansed and sterilized after each individual using may be provided.
- D. Felt hats shall not be used in the steam room, but clean towels shall be used in lieu thereof.
- E. Duck-boards or cocoa matting shall not be used in the shower, dressing or steam room, and only liquid or powdered soap shall be used in the shower room.
- F. Common combs and brushes shall not be used on the premises.
- G. Bathers shall be provided with individual paper slippers and a fresh individual clean sheet.
- H. An adequate supply of paper towels shall be maintained and provided in the wash-room.
- I. Locker room couches shall be kept in good repair and covered with washable fabric.
- J. Massage tables shall be provided with fresh individual clean table coverings for each patron.
- K. Massage appliances shall be disinfected after each individual using with a disinfecting solution satisfactory to the Medical Officer of Health.

§ 545-300. Patrons with communicable diseases; orderly conduct to be maintained; inspections.

- A. No person licensed as the owner or keeper of a swimming pool or public bath premises shall admit or allow to be admitted any patron who has been exposed to or is suffering from any communicable disease including any communicable skin disease unless such patron has obtained permission to use the premises from the proper authorities.
- B. Every person licensed as the owner or keeper of a swimming pool or public bath premises shall be responsible for the orderly conduct of all patrons at all times when on his or her premises.
- C. Before any licence is issued in respect to any swimming pool or public bath premises, the Medical Officer of Health shall inspect or cause to be inspected such premises and all drains, plumbing fixtures and other plant and equipment therein and report to the Municipal Licensing and Standards Division as to whether or not such premises meets the requirements of this chapter.
- D. The Medical Officer of Health or his or her designate may enter any such premises at any reasonable time for the purpose of ascertaining whether the requirements of this chapter are being complied with.

ARTICLE XXVII

Owners and Keepers of Trailer Camps

§ 545-301. Information to be provided with application for licence.

Every applicant for a licence as an owner or keeper of a trailer camp shall, in addition to any other requirements prescribed by this chapter in respect to applications for licences generally, submit with his or her application the following:

- A. The location and legal description of the trailer camp;
- B. Where there are two or more trailers, a complete plan of such camp showing compliance with § 545-302 of this article; and
- C. Where there are two or more trailers, plans and specifications of all buildings and other improvements constructed or to be constructed within the trailer camp.

§ 545-302. Requirements for camps accommodating two or more trailers.

Where the camp is designed to accommodate two or more trailers, it shall conform to the following requirements:

- A. The camp shall be located on a well-drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water.

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- B. The camp shall be divided into lots having a minimum area of 92.5 square metres with a width of at least 7.60 metres. Trailers shall be located one to a lot so that there shall be a clearance of at least 4.5 metres between trailers, such space to be kept clear of all obstructions. No trailer shall be located closer than three metres from any property line bounding the trailer camp and six metres from any street or road boundary.
- C. All lots shall abut upon a driveway of not less than six metres in width which shall have unobstructed access to a public street or highway. All driveways shall be hard surfaced, well marked in the daytime and properly lighted at night.
- D. Walkways not less than 0.61 metre wide shall be provided from the trailers to the service buildings. The walkways shall be hard surfaced, well marked in the daytime and properly lighted at night.
- E. An electrical outlet supplying at least 110 volts shall be provided for each trailer space.
- F. There shall be maintained and kept in good condition at all times a hedge surrounding the camp on all sides except the entrance, which hedge shall be at least 0.9 metre in height; provided that, in the case of a trailer camp as to which a licence is issued for the first time, a period of two years from the date of issue of such first licence will be allowed with regard to the attainment of the minimum height herein specified.
- G. Each boundary of the campsite must be at least 60.9 metres from any permanent residential building located outside the trailer camp.
- H. Water for drinking and domestic purposes shall be supplied to meet the requirements and shall be obtained from faucets only. No common drinking cups shall be permitted. An adequate supply of hot water shall be provided at all times in the service building for bathing, washing and laundry facilities.
- I. The camp shall be provided with water closets, baths or showers, and toilet facilities for men and women which shall be either in separate buildings at least six metres apart or shall be separated, if in the same building, by a soundproof wall.
- J. Service buildings housing the toilet facilities shall be permanent structures.
- K. Two flush toilets and one bath or shower shall be provided for each 20 trailer spaces.
- L. Each service building shall contain at least one slop sink for each six located in a separate compartment.
- M. The service buildings shall be well lighted and heated at all times of the day or night, and shall be well ventilated with screened openings.

- N. The laundry facilities shall be provided in the ratio of one double laundry tub and ironing board for every 20 trailers.
- O. Waste from showers, bath-tubs, toilets, slop sinks and laundries shall be discharged into the municipal sewer system.
- P. All garbage shall be kept in covered metal garbage containers.
- Q. There shall be one fire extinguisher in good working order for every 10 trailers located not farther than 61 metres from each trailer.

§ 545-303. Register of trailer owners and occupants.

Each licensee shall keep a register containing a record of all trailer owners and occupants located within the trailer park, and it shall be open for inspection at all times by the Municipal Licensing and Standards Division, or any person authorized by the Commissioner.

ARTICLE XXVIII
Special Sales

§ 545-304. Licence required.

No person shall sell, offer to sell or advertise for sale in any way any goods by way of special sale unless such person is the holder of a licence issued under this chapter for such purpose.

§ 545-305. Licence application form.

Every applicant for a licence to conduct a special sale shall complete and file with the Municipal Licensing and Standards Division an application in writing in the form attached hereto as Appendix F at the end of this chapter and shall set out fully the information required by the form.

§ 545-306. Application to be verified by statutory declaration.

The information set out in every application shall be verified by statutory declaration of the applicant in the form attached hereto as Appendix G at the end of this chapter, and if the applicant is not the owner of the goods to be sold, the application shall also be verified by statutory declaration of the owner of the goods.

§ 545-307. Proof of statements contained in application.

The applicant shall produce such books, records or other documents or information as the Municipal Licensing and Standards Division may consider necessary to corroborate any of the statements contained in the application both before and after a licence is issued.

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§ 545-308. Grounds to refuse or revoke licence.

A licence may be refused or revoked if:

- A. Any of the information set forth in the application or statutory declaration of the applicant or owner is false;
- B. Any attempt is made to add to or replenish the goods described in the application or to substitute other goods therefor;
- C. The sale is advertised or conducted in any manner other than that described in the application or in any manner calculated to mislead or deceive the public, or in a manner contrary to the provisions of this chapter; and
- D. The applicant refuses to produce any books, documents, records or other information requested by the Municipal Licensing and Standards Division, or refuses to permit the Municipal Licensing and Standards Division to inspect any goods or premises in accordance with the provisions of this chapter.

§ 545-309. Expiration of licence.

Every licence issued for a special sale shall expire 30 days after the date of issue, provided that a licensee shall be entitled to apply for and receive a licence for an additional thirty-day period to permit the sale of any remaining goods described in the original application.

§ 545-310. Extension of license.

A licence for an additional thirty-day period may be granted upon submission by the original licensee to the Municipal Licensing and Standards Division of a detailed list of goods remaining, verified by declaration in the form attached hereto as Appendix H at the end of this chapter, and the fee for such licence shall be 50% of the fee which would have been payable with respect to such goods on an original application for a licence.

§ 545-311. Statement to be contained in advertising material.

All advertising material distributed, displayed or published with respect to a special sale, including each radio or television broadcast, shall contain a statement that such sale is held under the authority of this chapter and shall state the number and expiry date of the licence issued for such sale under this chapter.

§ 545-312. Display of licence on premises; separate licence required for each location.

The licence shall be permanently displayed on the premises where the special sale is held, and a separate licence is required for each location where a special sale is held at more than one location.

ARTICLE XXIX
Distribution of Bills

§ 545-313. Depositing handbills on vehicles and handing handbills to pedestrians prohibited.

No bill distributor in the pursuance of a trade, business or occupation shall distribute any handbill, circular or other paper (other than a newspaper or magazine) within the City of Toronto by depositing the same in or upon motor vehicles parked or standing in any public place or by handing the same to pedestrians or others on streets, highways, roads or on any sidewalks, boulevards or footpaths adjacent thereto in the City of Toronto.

§ 545-314. Manner of delivery.

All handbills, circulars and other printed matter delivered by or on behalf of a bill distributor to residential or other premises shall be deposited in the mailbox or slot provided for the delivery of mail to such premises or handed directly to an occupant of such premises.

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.

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DESIGNATED BUILDING — Any building or structure designated by or under the provisions of the *Ontario Heritage Act*¹²⁹ 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.

§ 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.

¹²⁹ Editor's Note: See R.S.O. 1990, c. O.18.

§ 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.

§ 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.

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§ 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*¹³⁰ 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.

¹³⁰ Editor's Note: See R.S.O. 1990, c. E.19.

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;

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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 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, 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 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

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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 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.
- 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

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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*¹³¹ or the *Registry Act*¹³² 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.
- 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

¹³¹ Editor's Note: See R.S.O. 1990, c. L.5.

¹³² Editor's Note: See R.S.O. 1990, c. R.20.

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 Division upon request, and shall be retained by the owner or operator for a period of six months after its termination.

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§ 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 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.

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§ 545-341

§ 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.
- 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 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.

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- 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:
 - (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.
- 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.

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§ 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.
- 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.
- 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

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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 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

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parlour a sign bearing, in plain letters no 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 No. 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 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.

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- 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.

§ 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 Commissioner.

§ 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 Parlours

§ 545-362. Definitions.

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

ADULT ENTERTAINMENT PARLOUR LICENSED UNDER THE *LIQUOR LICENCE ACT* — An adult entertainment parlour of the class defined as follows: any premises or part thereof in respect of which a licence or permit has been issued

and is in full force and effect pursuant to the provisions of the *Liquor Licence Act*,¹³³ at which is offered services appealing to or designed to appeal to erotic or sexual appetites or inclinations.

ATTENDANT — A person licensed or required to be licensed under § 545-2A(56) of this chapter.

BURLESQUE ENTERTAINER — An attendant whose services are provided at an adult entertainment parlour licensed under the *Liquor Licence Act*.¹³⁴

OWNER and OPERATOR — Respectively, an owner or operator of an adult entertainment parlour licensed as such or required to be licensed as such under § 545-2A(55) of this chapter.

SERVICES — Services designed to appeal to erotic or sexual appetites or inclinations, as defined in the definition of “adult entertainment parlour” in § 545-1 of this chapter.

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 parlour” in § 545-1 of this chapter.

§ 545-363. Burlesque entertainers to comply with provisions applicable to attendants.

For the purposes of this chapter, a licence applied for by or issued to a burlesque entertainer shall be referred to as a “burlesque entertainer licence,” but such persons shall comply with all provisions of this chapter applicable to attendants, except where otherwise specifically provided.

§ 545-364. Application requirements.

- A. On every application by an individual person for an owner’s, operator’s or attendant’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 parlour owned or operated by a partnership, the attendance required under Subsection A of this section shall be by one of the

¹³³ Editor’s Note: See R.S.O. 1990, c. L.19.

¹³⁴ Editor’s Note: See R.S.O. 1990, c. L.19.

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partners, and in the case of an adult entertainment parlour owned or operated by a corporation, such attendance shall be by an officer of the corporation.

- C. Every applicant for an attendant's licence, and every individual person applying for an owner's licence or operator's licence, shall submit with his or her application two passport-size photographs of his or her face, one of which photographs shall be attached to the licence, and the other 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 his or her application, file with the Municipal Licensing and Standards Division a list showing the names of all operators and attendants providing services in his or her adult entertainment parlour and all such persons intended or expected by him or her to be employed or to provide services in his or her adult entertainment parlour and shall thereafter maintain a list showing at all times the names of all operators and attendants providing services in his or her adult entertainment parlour; and such owner shall, upon a request made to him or her by the Municipal Licensing and Standards Division, any peace officer or by-law enforcement officer, produce the list, brought up to date as of the time of the request, to such officer.
- E. On every application for an owner's, operator's or attendant's licence by an individual or by a corporation, the applicant shall state:
 - (1) If the applicant is an individual, the date of birth; and
 - (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 § 545-365 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 § 545-365, 545-366 or 545-367 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, 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.

§ 545-365. 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 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 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

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and Standards Division at the same time as the owner or operator 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 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.

§ 545-366. 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 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 a licence is a corporation, such corporation shall for the purposes of § 545-365 of this article 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.

§ 545-367. Declaration to be filed when name of business indicates plurality of members.

- A. Every person applying for an owner's, operator's or attendant's licence who carries on or intends to carry on his or her business in or relating to an adult entertainment 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 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.

§ 545-368. Legal name to be used in application; use of other name or designation.

- A. Every owner, operator or attendant 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 attendant 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 attendant 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 parlour or of any trade, business or occupation carried on therein without first notifying the Municipal Licensing and Standards Division of

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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.

§ 545-369. 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.

§ 545-370. Licensing requirements of owners and operators.

- A. No adult entertainment 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 an adult entertainment parlour; and if such person is not the registered owner or owner in fee simple of the property upon which the adult entertainment 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 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*¹³⁵ or the *Registry Act*¹³⁶ as the case may be.
- C. A separate owner's licence shall be taken out in respect of each adult entertainment parlour.
- D. Where an owner does not personally operate his or her adult entertainment parlour, every person operating such adult entertainment 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 adult entertainment parlour.

¹³⁵ Editor's Note: See R.S.O. 1990, c. L.5.

¹³⁶ Editor's Note: See R.S.O. 1990, c. R.20.

- 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 the services of an attendant in the adult entertainment parlour of which he or she is the owner or operator.
- F. An owner who operates his or her own adult entertainment 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 adult entertainment parlour.

§ 545-371. Regulations concerning owners and operators.

- A. No owner of an adult entertainment parlour or premises shall permit any person other than a licensed operator to operate such adult entertainment parlour.
- B. No owner or operator shall permit the provision of services upon or at his or her adult entertainment parlour or pursuant to the operation by him or her of an adult entertainment parlour by any person other than a licensed attendant 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 parlour or to provide services in his or her adult entertainment parlour.
- D. No attendant or other person shall provide services in any adult entertainment parlour unless the owner of the said adult entertainment parlour and the operator, if any, is duly licensed as owner or operator respectively under this chapter.
- E. No operator not being the owner of an adult entertainment parlour shall operate the said adult entertainment parlour unless the owner of the said adult entertainment parlour is duly licensed as owner under this chapter.
- F. No operator may operate an adult entertainment parlour unless he or she first notifies the Municipal Licensing and Standards Division of the name of the owner whose adult entertainment 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 adult entertainment 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.

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§ 545-372. 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 parlour or between owner or operator and an attendant providing services at an adult entertainment 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 Division upon request, and shall be retained by the owner or operator for a period of six months after its termination.

§ 545-373. Change of address of owner, operator or attendant.

Every owner, operator or attendant 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.

§ 545-374. Sale, lease or other disposition of adult entertainment parlour.

- A. No owner's licence shall be transferred, and if an owner sells, leases or otherwise disposes of his or her adult entertainment parlour or the premises or part thereof upon or in which an adult entertainment parlour is operated to any person, his or her licence in respect of such adult entertainment 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 an adult entertainment parlour or the premises or part thereof upon or in which an adult entertainment 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 adult entertainment parlour, all as required by § 545-370B 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 adult entertainment parlour 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 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 an adult entertainment 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. Upon the sale, lease or other disposition of an adult entertainment parlour, every operator's licence issued in respect of such adult entertainment parlour 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 parlour to operate the adult entertainment 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 adult entertainment parlour.

§ 545-375. Adult entertainment parlours not to be used as dwellings or sleeping quarters.

No premises or part thereof used as an adult entertainment parlour shall be used as a dwelling or for sleeping purposes.

§ 545-376. Obstruction or locking of individual rooms or cubicles prohibited.

- A. No owner or operator shall permit the door to any room or cubicle where services 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 an adult entertainment parlour provide any 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.

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§ 545-377. Bookkeeping requirements; itemized bill; receipt.

- A. Every owner who operates his or her adult entertainment parlour 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 parlour operated by him or her, which books shall give the amount of gross receipts for all services provided in the said adult entertainment parlour, including all receipts for admission fees and other charges and receipts in respect of entry to or services provided in such adult entertainment parlour, the name and licence number of every attendant providing services in the said adult entertainment parlour, including the date of commencement and the date of termination of such services, the amount of salary or commission paid to each attendant and all amounts paid by the owner to the operator, if any, or by the operator to the owner, in respect of such adult entertainment parlour 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.
- C. Itemized bill to be provided.
 - (1) Upon the entry of the customer into an adult entertainment parlour or immediately before any services are provided in an adult entertainment parlour, the attendant 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.
 - (2) Where no charge or fee is paid or required to be paid for the provision of services in an adult entertainment parlour other than an admission fee or other charge or payment in respect of entry to such adult entertainment parlour, the delivery to the customer of a written receipt for such fee, charge or payment shall be deemed sufficient compliance with Subsection C(1) of this subsection.
- 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 adult entertainment parlour and every operator of an adult entertainment parlour shall ensure that the bill and receipt required by Subsections C and D are provided to every customer of the adult entertainment 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.

§ 545-378. Regulations for operation of adult entertainment parlours.

Every owner who operates his or her own adult entertainment parlour and every operator of an adult entertainment parlour shall, in the operation of the adult entertainment 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 all fixtures and equipment therein shall be regularly washed and 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.
- 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 an adult entertainment parlour.
- G. 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.
- H. Common foot baths shall not be provided on the premises.
- I. 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.

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§ 545-379. Owners and operators to ensure compliance with regulations.

No owner or operator shall permit any services to be given, performed, provided or received in any adult entertainment parlour in breach of any of the regulations contained in this chapter.

§ 545-380. Safekeeping of valuables belonging to customers.

- A. Every owner and every operator of an adult entertainment parlour at which is provided services which involve or may involve the undressing of or changing of clothes by the customer 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 referred to in Subsection A and every operator shall post and maintain in a conspicuous place in every room and cubicle in the adult entertainment parlour operated by him or her a notice drawing attention to the safekeeping service provided in accordance with Subsection A.
- C. Every owner or 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 attendant, immediately upon the termination of services referred to in Subsection A, shall carefully search the adult entertainment parlour for any property lost or left therein, and all property or money left in the adult entertainment 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.

§ 545-381. 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 PARLOUR No. " (inserting after "No." the owner's licence number), "Comments regarding this business may be made to the Municipal Licensing and Standards Division at 392-3082."
- B. Every owner and operator shall keep his or her licence or duplicate copy of such licence issued in respect of an adult entertainment parlour exposed in a conspicuous place in every room and cubicle in the said premises and also prominently displayed on the exterior of the premises, at all times during the currency of the

licence, and the Municipal Licensing and Standards Division shall issue duplicate copies of licences for such purpose.

- 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 parlour in pursuance of or in connection with any business, trade, or occupation carried on in an adult entertainment parlour in the City of Toronto unless the owner of the premises and every person operating such business and every attendant engaged in providing services at such premises has been duly licensed so to do by the Municipal Licensing and Standards Division.

§ 545-382. List of services and fees.

- A. Every operator of an adult entertainment parlour and every owner who operates his or her own adult entertainment parlour shall file with the Municipal Licensing and Standards Division a copy of a list of all services provided at the said adult entertainment parlour and of the respective fees charged for services including admission fees and any other payment charged in respect of entry to the adult entertainment parlour, 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 attendant 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 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 attendant shall provide services at or in respect of an adult entertainment parlour other than those permitted by endorsement by the Municipal Licensing and Standards Division on the licence of the owner of the adult entertainment 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 adult entertainment parlour owned or operated by him or her plainly visible to any person upon entering the said premises.

§ 545-383. Owners, operators and attendants to provide name, address and licence upon request; exception for burlesque entertainers.

- A. Every owner, operator and attendant providing services at an adult entertainment parlour, or in attendance at an adult entertainment parlour in pursuance of a trade, business or occupation carried on by the owner or operator of such adult

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entertainment 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 adult entertainment parlour, he or she shall produce his or her said licence.

- B. Notwithstanding Subsection A, this section does not require a burlesque entertainer to identify himself or herself or produce his or her licence to a Medical Officer of Health or public health inspector.

§ 545-384. Other trades, businesses or occupations in adult entertainment parlours.

- A. Subject to this chapter, before there is carried on in any adult entertainment parlour any business, trade, or occupation in an adult entertainment parlour for which a licence is otherwise required by this chapter, the owner of the said adult entertainment 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 adult entertainment 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.
- 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 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.
- C. Every person shall in carrying on or permitting the carrying on of any trade, business or occupation in an adult entertainment parlour comply with all of the requirements of the by-law relating thereto, including the requirement of licence, if any.

§ 545-385. Minors.

- A. No person under the age of 18 may be or act as an owner or operator of an adult entertainment parlour or provide any services in an adult entertainment parlour.
- B. No one may provide services in an adult entertainment parlour to a person under the age of 18 years.
- C. No owner or operator shall permit any person under the age of 18 to enter or remain in any adult entertainment parlour owned or operated 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 parlour except when services are being provided in such premises.

§ 545-386. Patrons not to be intoxicated.

No owner or operator shall permit any person who appears to be intoxicated by alcohol or a drug to enter or remain in any adult entertainment parlour operated by him or her.

§ 545-387. 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 parlour owned or operated by him or her, open such adult entertainment parlour for business or permit the same to be or to remain open for business or permit any services of any kind to be provided in the said adult entertainment parlour at any time between the hours of 1:00 in the forenoon of any day and 8:00 in the forenoon of the same day.
- B. Subject to Subsection A of this section, every owner who operates his or her own adult entertainment parlour and every operator of an adult entertainment 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 adult entertainment parlour, which schedule shall state specifically the opening and closing times of the said adult entertainment parlour for each day of the week.
- C. No person shall permit an adult entertainment 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 an adult entertainment 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 an attendant is in attendance at an adult entertainment 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 adult entertainment parlour by the public shall be kept unlocked and available so that anyone coming into the adult entertainment 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 adult entertainment parlour shall be in attendance at such owner's adult entertainment parlour at all of the times referred to in Subsection D of this section, and no owner or operator shall permit an adult entertainment parlour owned or operated by him or her to open for business, or remain open for business, or any attendant to enter or

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remain therein, or any service to be provided at such entertainment 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.

§ 545-388. Drugs and alcohol.

- A. No owner, operator or attendant shall take, consume or have a liquor or a drug in his or her possession in an adult entertainment parlour, nor shall the use of liquor or a drug by him or her be apparent while he or she is in an adult entertainment 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 adult entertainment parlour and every operator shall provide and maintain at all times at the adult entertainment parlour operated by him or her a first-aid kit equipped in a manner satisfactory to the Medical Officer of Health.

§ 545-389. Appearance and behaviour of owners, operators and attendants.

Every owner, operator and attendant shall, while engaged in his or her respective trade, business or occupation in an adult entertainment parlour, 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.

§ 545-390. Use of cameras or other photographic or recording devices.

No owner, operator or attendant shall use or permit to be used any camera or other photographic or recording device in, upon or at an adult entertainment parlour 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.

§ 545-391. 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.

§ 545-392. 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.

§ 545-393. Exemption from certain provisions for adult entertainment parlours licensed under the *Liquor Licence Act*.

- A. Sections 545-375, 545-376, 545-377, 545-378, 545-380, 545-382, 545-386, 545-387, 545-388, and 545-390 of this article do not apply to adult entertainment parlours licensed under the *Liquor Licence Act*.¹³⁷
- B. Every owner or operator applying for a licence in respect of an adult entertainment parlour included in the class of such parlours defined in the definition of “burlesque entertainer” in § 545-362 of this article shall file with or produce to the Municipal Licensing and Standards Division a copy of any licence or permit issued under the *Liquor Licence Act*¹³⁸ in respect of such premises, and shall, after such licence has been issued to him or her, advise the Municipal Licensing and Standards Division in writing forthwith upon any suspension, cancellation, revocation or termination of such licence or permit or of any change in such licence or permit, or any of its terms.

§ 545-394. 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 parlours shall be limited to 63.

§ 545-395. Owners and operators not to permit attendants to have physical contact with other persons.

No owner or operator shall, in respect of any adult entertainment parlour owned or operated by him or her, knowingly permit any attendant, while providing services as an attendant, to touch, or be touched by, or have physical contact with, any other person in any manner whatsoever involving any part of that person’s body.

§ 545-396. Attendants not to have physical contact with other persons.

No attendant shall, while providing services as an attendant, touch or have physical contact with any other person in any manner whatsoever involving any part of that person’s body.

¹³⁷ Editor’s Note: See R.S.O. 1990, c. L.19.

¹³⁸ Editor’s Note: See R.S.O. 1990, c. L.19.

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§ 545-397. Attendants to perform only within plain view of main stage.

- A. No attendant shall provide or perform any services as an attendant in an adult entertainment parlour except while within the plain and unobstructed view of the main stage of any floor on which such services are being provided.
- B. Every owner or operator shall ensure that no attendant provides or performs any services as an attendant in an adult entertainment parlour except in accordance with Subsection A of this section.

§ 545-398. Owner to designate main stage area.

For the purposes of § 545-397 of this article, where a floor or floors of an adult entertainment parlour is equipped with more than one stage, the owner or operator of such adult entertainment parlour shall, by filing a notice with the Municipal Licensing and Standards Division in the approved form, designate one of the stages as the main stage of such floor or floors.

ARTICLE XXXIII
(Reserved)¹³⁹

§ 545-399 through § 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 No. 1247-2009¹⁴⁰]

- 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.

¹³⁹ Editor's Note: Former Art. XXXIII, Electrical Contractors and Master Electricians, comprised of §§ 545-399 through 545-414, was repealed 2009-05-27 by By-law No. 609-2009.

¹⁴⁰ Editor's Note: This by-law corrects a drafting error pertaining to By-law No. 609-2009, adopted 2009-05-27, which inadvertently repealed the examination fee and reporting requirements for the examination of drain layers. By-law No. 1247-2009 provided that it comes into force 2009-05-27.

- 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 No. 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 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.

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§ 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)¹⁴¹

¹⁴¹ Editor's Note: Former § 545-421, Re-examination of master plumbers upon failure to renew licence, was repealed 2009-05-27 by By-law No. 609-2009.

§ 545-422. Authority of Executive Director to require re-examination.

[Amended 2009-05-27 by By-law No. 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.

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- B. A master plumber, including a maintenance master plumber as described in § 545-426 of this article, 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 produce his or her licence to have such change of employment noted and endorsed thereon.
- 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)¹⁴²

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

¹⁴² Editor's Note: Former § 454-426, Maintenance master plumber, was repealed 2005-05-19 by By-law No. 372-2005.

- (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. 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.

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- 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.
- 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 No. 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 No. 609-2009**]

§ 545-434. Examining Panel.

[**Amended 2009-05-27 by By-law No. 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) 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.

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§ 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.

§ 545-438. Re-examination upon failure to renew licence.

[Amended 2009-05-27 by By-law No. 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 No. 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.
- 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:

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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 No. 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;
- 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*,¹⁴³ 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.

¹⁴³ Editor's Note: See S.O. 1998, c. 19.

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.

§ 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 No. 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.
- 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,

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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 No. 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.

§ 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
 - (5) Its termination date, if any.
- B. No agency shall be a party to an agreement unless the owner or occupant of the property to which the agreement pertains is a party to such agreement.
- C. Any person licensed under this chapter who enters into or purports to enter into any agreement for the provision of services other than in accordance with this section may, in addition to any other penalty to which such person may be liable under this chapter, be required to attend before the Toronto Licensing Tribunal for a hearing to determine whether or not his or her licence should be suspended, revoked or have conditions imposed on it.
- D. Every agency shall notify the Municipal Licensing and Standards Division 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.

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- E. A written agreement shall be filed with the Municipal Licensing and Standards Division 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.
- 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;¹⁴⁴ **[Amended 2004-07-22 by By-law No. 725-2004]**
 - (2) Subject to Subsection B of this section, a parking infraction notice has first been issued and served pursuant to Part II of the *Provincial Offences Act*, as amended;¹⁴⁵ and
 - (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,¹⁴⁶ have been complied with, including, but not limited to, any waiting periods prescribed by such by-laws. **[Amended 2004-07-22 by By-law No. 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.¹⁴⁷
- 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 a parking infraction notice under Part II of the *Provincial Offences Act*, as amended,¹⁴⁸ a Toronto Police Service tow card or other document as approved by the Chief of Police, and the

¹⁴⁴ Editor's Note: See S.O. 2001, c. 25.

¹⁴⁵ Editor's Note: See R.S.O. 1990, c. P.33.

¹⁴⁶ Editor's Note: See S.O. 2001, c. 25.

¹⁴⁷ Editor's Note: See R.S.O. 1990, c. H.8.

¹⁴⁸ Editor's Note: See R.S.O. 1990, c. P.33.

agency shall ensure compliance with this § 545-450C. [Added 2004-07-22 by By-law No. 725-2004]

§ 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 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

Traditional Medicine Establishments and Practitioners

[Added 2004-07-22 by By-law No. 658-2004¹⁴⁹]

§ 545-452. Owners and practitioners to be licensed.

- A. No traditional medicine establishment may open for business or operate or be operated unless its owner is licensed as such under this chapter. For the purposes of this article, the term “owner” shall be as generally defined in § 545-1 and shall be taken to refer to the owner of a traditional medicine establishment.
- B. No owner shall permit any traditional medicine service to be provided or offered upon or at a traditional medicine establishment by any person other than a licensed traditional medicine practitioner.

¹⁴⁹ Editor's Note: This by-law provided that it comes into force 2004-07-01.

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- C. No traditional medicine practitioner shall provide or offer traditional medicine services in any traditional medicine establishment unless the owner of the establishment is duly licensed as an owner under this chapter.
- D. No owner may provide traditional medicine services in the traditional medicine establishment of which he or she is the owner unless he or she is also licensed as a traditional medicine practitioner under this chapter.

§ 545-453. Application to be filed in person.

- A. On every application for an owner's or a traditional medicine 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 required 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 traditional medicine establishment 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 traditional Chinese medicine establishment owned by a corporation, such attendance shall be by an officer of the corporation.
- C. On every application for an owner's licence by an individual, partnership or corporation, the applicant shall provide:
 - (1) In the case of an individual, his or her date of birth;
 - (2) In the case of a partnership, the date of birth of each partner in the partnership; and
 - (3) In the case of a corporation, including a corporation which is a partner in an applicant partnership or which has an interest in an applicant corporation, the date of birth of every shareholder or other person having a beneficial interest in the corporation.

§ 545-454. Practitioner application requirements.

Every applicant for a traditional medicine practitioner's licence shall:

- A. Be prepared to be photographed for the purposes of the licence by the Municipal Licensing and Standards Division, and upon application for renewal of any licence, the applicant shall pose for a new photograph if required to do so by the Municipal Licensing and Standards Division.
- B. Subject to § 545-454C of this article, every applicant for a traditional medicine practitioner's licence shall submit with the application a certificate, diploma or other documentation satisfactory to the Municipal Licensing and Standards

Division, certifying that the applicant has, in respect of the traditional medicine services intended to be offered or provided by the applicant, successfully completed a course of training at an educational institution in Canada that is, within the meaning of section 118.5 of the Income Tax Act, R.S.C. 1985, c.1 (5th Supp.), as amended:

- (1) A university, college or other educational institution providing courses at a post-secondary school level; or
 - (2) An institution certified by the Minister of Human Resources and Development to be an educational institution providing courses, other than courses designed for university credit, that furnish a person with skill for, or improve a person's skills in, an occupation.
- C. Where an applicant does not have the documentation required under Subsection B, the applicant shall submit with the application evidence satisfactory to the Municipal Licensing and Standards Division that the applicant:
- (1) Has demonstrated himself or herself to be a member in good standing of an acupuncture and/or traditional medicine organization; and
 - (2) Has demonstrated acceptance and practice of the procedures, practices and ethics of the acupuncture and/or traditional Chinese medicine organization of which the applicant is a member.
- D. Be prepared, if required by the Municipal Licensing and Standards Division, to be examined with respect to his or her knowledge, and satisfactorily pass such examination.
- E. Applicants shall demonstrate the nature and purpose of an acupuncture and/or traditional Chinese medicine organization by filing with the Municipal Licensing and Standards Division particulars in writing providing details of:
- (1) The documents or instruments evidencing the creation of the organization;
 - (2) The names of the organization's principals and officers, members and employees;
 - (3) A short history summarizing the organization's activities and achievements to date;
 - (4) An outline of the procedures and practices pursued by the organization and its members;
 - (5) A copy of the organization's code of ethics applicable to its members;
 - (6) The nature of the services promoted and provided by the organization and its members, and of the qualifications required to provide every such service;

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- (7) A list of criteria for membership in the organization, and a list of its members;
 - (8) A list of courses and qualifications recognized or provided by the organization; and
 - (9) Any other information which may be required in order to confirm that the organization meets the requirements of the definition of an acupuncture and/or traditional Chinese medicine organization as contained in this chapter.
- F. The filing of any record or document with the Municipal Licensing and Standards Division referred to in Subsection E of this section may be done by the acupuncture and/or traditional medicine organization in respect of its members.

§ 545-455. Applicant for owner's licence to submit list of traditional medicine 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 traditional medicine practitioners employed by, or performing traditional medicine services in, the traditional medicine establishment and all such persons intended or expected to be employed or to perform traditional medicine services in the traditional medicine establishment.

§ 545-456. Minimum age of practitioner.

Every applicant for a traditional medicine practitioner's licence 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.

§ 545-457. 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 and birth date 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.

§ 545-458. 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 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.

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§ 545-459. 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.

§ 545-460. Name or designation of business.

- A. Every person applying for an owner's or practitioner's licence who carries on or intends to carry on the business in or relating to a traditional medicine establishment 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:
 - (1) His or her full name, date of birth 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.

§ 545-461. 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 as the suitability of the applicant and the proposed premises or procedures; 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.

§ 545-462. Notification of change of address.

Every owner or traditional medicine 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.

§ 545-463. 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 traditional medicine establishment, which books shall give the amount of gross receipts for all services performed or provided in the said traditional medicine establishment, the name and licence number of every traditional medicine practitioner or other person performing services in the said traditional medicine establishment, including the date of commencement and the date of termination of such services, the amount of salary or commission paid to each traditional medicine practitioner, in respect of such traditional medicine establishment or traditional medicine establishment business.
- B. Every owner shall keep all books and records as are required by Subsection A 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 Commissioner shall at all times have access to such records.

§ 545-464. Bill and receipt to be provided; copies to be retained.

- A. Immediately before any traditional medicine services are provided in a traditional medicine establishment, the traditional medicine practitioner shall give to the customer an itemized bill for such services, listing the traditional medicine 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.

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- 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 traditional medicine practitioner who provided the traditional medicine 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 traditional medicine establishment 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.

§ 545-465. Advertisements to include licence number.

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

§ 545-466. Insurance requirements.

Every owner shall, in respect of each traditional medicine establishment 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.

§ 545-467. Regulations for operation of traditional medicine establishments.

Every owner shall, in the operation of his or her traditional medicine establishment, 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. All needles, other equipment, and supplies used in the performance of traditional medicine services shall be either disposed of or sterilized after each use according to the requirements of the Ministry of Health Infection Control and Personal Services Settings Protocol, as revised or amended from time to time, and such other procedures as may be required by the Medical Officer of Health.
- C. 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.

§ 545-468. Display of licences.

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

§ 545-469. Advertisement of traditional medicine services by licensed owners and practitioners only.

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

§ 545-470. 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 traditional medicine establishment, 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 owner or traditional medicine practitioner shall charge, demand, or request any payment for any services offered or performed in a traditional medicine establishment except in accordance with the list filed with the Municipal Licensing and Standards Division under Subsection A.

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- C. No owner or traditional medicine practitioner shall offer or provide any traditional medicine service in a traditional medicine establishment, 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 traditional medicine establishment plainly visible to any person upon entering the said premises.

§ 545-471. Owners and practitioners to provide name, address and licence upon request.

Every owner and traditional medicine 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.

§ 545-471.1. Hours of operation.

[Added 2005-12-07 by By-law No. 1016-2005; amended 2006-02-2 by By-law No. 21-2006¹⁵⁰]

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

ARTICLE XXXIX

Owners and Drivers of Limousines and Limousine Service Companies

[Added 2005-07-21 by By-law No. 706-2005¹⁵¹]

§ 545-472. Definitions.

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

DRIVER — A driver of a limousine who is licensed as such or required to be licensed as such under this chapter, and includes an owner who drives a limousine.¹⁵²

¹⁵⁰ Editor's Note: This by-law provided that it comes into force 2005-12-07.

¹⁵¹ Editor's Note: This by-law provided that it comes into force 2005-09-01.

¹⁵² Editor's Note: The definition of "child safety lock," which previously preceded this definition, was repealed 2007-12-13 by By-law No. 1417-2007; said By-law No. 1417-2007 provided that it comes into force 2005-09-01.

HIS OR HER LIMOUSINE —

- A. When used in reference to an owner, refers to a sedan or stretch limousine in respect of which the owner is licensed under this chapter.
- B. When used in reference to a limousine service company, refers to a sedan or stretch limousine in respect of which the limousine service company has a service agreement.
- C. When used in reference to a driver, refers to a sedan or stretch limousine driven or otherwise operated by such driver.

OWNER —

- A. The owner of a limousine or of limousines licensed as such or required to be licensed as such under this chapter; and
- B. The holder of the plate portion of a permit issued by the Ministry of Transportation, and, where the records of the Ministry of Transportation indicate that the motor vehicle is leased, the lessee, who is registered as such with the Ministry of Transportation.

PASSENGER — Any person in a limousine other than the driver.

PRE-ARRANGEMENT, PRE-ARRANGED or PRE-ARRANGE — A written or oral reservation made with a limousine service company in advance of the service by a person requesting limousine service for a specified time.

SEDAN LIMOUSINE — A luxury, non-metered vehicle of a wheelbase size smaller than a stretch limousine as defined by this section, with rear hip room of 143.5 centimetres and rear leg room of 101.6 centimetres, manufactured to carry up to five passengers, excluding the driver, and approved by the Municipal Licensing and Standards Division.

SERVICE AGREEMENT — An agreement between a limousine owner and a limousine service company that sets out the terms and conditions of the arrangement whereby the services of the limousine owner are contracted to the limousine service company.

SOLICIT — Means an appeal for customers by bell, horn, whistle, words or gestures by a limousine operator or his or her agent directed at individuals or groups of persons.

STAGE — Stopping, parking or otherwise placing a limousine in a loading or curbside area, not including a parking lot, when the limousine is not engaged in a pre-arranged trip.

STRETCH LIMOUSINE — A sedan limousine and other luxury vehicles, cut and stretched a minimum of 114 centimetres beyond its standard base, manufactured to

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carry a minimum of seven passengers, excluding the driver, and approved by the Municipal Licensing and Standards Division.

TAXIMETER — A mechanical or electronic device used to calculate the fare or rate to be paid for a trip.

TO OPERATE — Includes driving a limousine, staging a limousine, or making a vehicle available to the public for use as a limousine, and operator shall have a corresponding meaning.¹⁵³

YEAR DATE — The figures appearing under the heading “year” in the description of motor vehicle portion of the current Ontario Ministry of Transportation passenger motor vehicle permit for any vehicle.

§ 545-473. Licences and licence applications.

- A. No person shall be granted a limousine driver’s licence except as provided in this chapter.¹⁵⁴ [**Amended 2007-12-13 by By-law No. 1417-2007**¹⁵⁵]
- B. Additional information to be filed with application for driver’s licence.

In addition to any information required to be furnished under this chapter, every applicant for a driver’s license shall: [**Amended 2007-12-13 by By-law No. 1417-2007**¹⁵⁶]

- (1) Produce a valid provincial driver’s licence with his or her application;
- (2) Submit with his or her application three photographs of himself or herself, one to be attached to the licence and the other two to be filed with the Municipal Licensing and Standards Division, and, upon application for the renewal of his or her licence, shall furnish new photographs if required to do so by the Municipal Licensing and Standards Division;
- (3) Successfully complete a five-day Limousine Driver Training Course provided by the Municipal Licensing and Standards Division; and [**Added 2007-11-20 by By-law No. 1269-2007**]
- (4) Successfully complete a one-day first-aid and cardiopulmonary resuscitation course provided by Toronto’s Emergency Medical Services (EMS), or by such agency as may be approved by the Executive Director of Municipal Licensing and Standards. [**Added 2007-11-20 by By-law No. 1269-2007**]

¹⁵³ Editor’s Note: The definition of “two-way radio,” which previously followed this definition, was repealed 2007-12-13 by By-law No. 1417-2007; said By-law No. 1417-2007 provided that it comes into force 2005-09-01.

¹⁵⁴ Editor’s Note: Former § 545-473A.1, regarding applicants who hold licences in other jurisdictions, added 2007-04-24 by By-law No. 435-2007, which previously followed this subsection, was repealed 2007-09-27 by By-law No. 1082-2007.

¹⁵⁵ Editor’s Note: This by-law provided that it comes into force 2005-09-01.

¹⁵⁶ Editor’s Note: This by-law provided that it comes into force 2005-09-01.

- C. An owner who has complied with the provisions of Subsection B and whose licence has been so endorsed by the Municipal Licensing and Standards Division may act as a driver of any licensed limousine. [**Amended 2007-12-13 by By-law No. 1417-2007¹⁵⁷**]
- D. Every driver and every owner who drives shall have and maintain in good standing at all times an unrestricted and fully privileged passenger vehicle driver's licence issued by the Province of Ontario, and the limousine driver's licence and the driving privileges of an owner conferred under this chapter shall, for all purposes of this chapter, be conclusively deemed suspended during any period in which such driver's licence is under suspension. [**Amended 2007-12-13 by By-law No. 1417-2007¹⁵⁸**]
- E. Every owner who drives and every driver shall be of the full age of 18 years or over. [**Amended 2007-12-13 by By-law No. 1417-2007¹⁵⁹**]
- F. Owners and drivers to be licensed.
- (1) No driver shall drive or act as a driver of any limousine unless the owner of the limousine is licensed under this chapter as a limousine owner with respect to the limousine.
 - (2) No owner shall permit or allow any person other than a licensed driver to operate his or her limousine.
 - (3) No driver while having the care and control of a limousine shall permit any person other than the owner or an employee of the owner of the limousine to drive it.
- G. Every owner of more than one limousine required to be licensed under this chapter shall take out a separate licence for each limousine.
- H. No licence may be issued to the owner of a limousine except in respect of a sedan or stretch limousine of a type approved by the Municipal Licensing and Standards Division for use as a limousine.
- I. Every driver and owner who drives shall carry his or her licence with him or her at all times while operating a limousine and shall produce his or her licence for inspection when requested to do so by the Municipal Licensing and Standards Division or a police officer.
- J. Medical examination of owner or driver.

¹⁵⁷ Editor's Note: This by-law provided that it comes into force 2005-09-01.

¹⁵⁸ Editor's Note: This by-law provided that it comes into force 2005-09-01.

¹⁵⁹ Editor's Note: This by-law provided that it comes into force 2005-09-01.

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- (1) Where there are reasonable grounds to believe that, by reason of illness, injury or any other physical or mental impairment, the conduct of an owner or 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 owner or 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.
- (2) Every driver and every owner who drives his or her own limousine shall produce to the Municipal Licensing and Standards Division, 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 licensee is fit to drive a limousine, provided that, subject to Subsection J(1) hereof, no such certificate shall be required by the Municipal Licensing and Standards Division pursuant to this section more than once every three years.

§ 545-473.1. License renewal requirements.

[Added 2007-11-20 by By-law No. 1269-2007]

- A. Once every four consecutive years, every applicant for the renewal of a license as a driver or an owner, if the owner drives a limousine, shall:
 - (1) Successfully complete the limousine driver/owner refresher training course provided by Municipal Licensing and Standards, which course shall address skills relating to limousine driving as set out in a curriculum approved by the Executive Director or his or her designate; and
 - (2) Successfully complete a one-day first-aid and cardiopulmonary resuscitation course provided by Toronto's Emergency Medical Services (EMS), or by such agency as may be approved by the Executive Director of Municipal Licensing and Standards.

§ 545-474. Sales and transfers, death of owner. [Amended 2007-12-13 by By-law No. 1417-2007¹⁶⁰]

- A. Sale of a limousine; issuance of new licence to purchaser.
 - (1) No owner's licence shall be transferred, but, subject to any other provisions of this chapter, an owner may sell his or her limousine and its equipment to any

¹⁶⁰ Editor's Note: This by-law provided that it comes into force 2005-09-01.

person, and upon such sale the owner's licence issued in respect of such limousine shall be terminated.

- (2) Subject to Subsection A(3), the Municipal Licensing and Standards Division may, in its discretion, issue a new licence to the purchaser of a limousine and its equipment if the new applicant qualifies under all other provisions of this chapter.
- (3) Notwithstanding Subsections A(1) and (2), 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 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 the 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 its decision.

B. Death of owner.

- (1) In this subsection, "owner" includes any person who directly or indirectly owns the controlling interest in a corporation holding one or more limousine owner's licences, and "limousine" includes the shares in such corporation owned or controlled by such owner.
- (2) Upon the death of the owner of a limousine, the owner's licence issued in respect of such limousine shall be terminated.
- (3) Upon receiving notice of the death of the owner of a limousine, the Municipal Licensing and Standards Division may re-issue the licence for its unexpired term or may issue a new licence in the name of the estate of the deceased owner pending disposition of the limousine by the personal representative or representatives of the deceased owner.
- (4) Where a licence has been issued to the estate of a deceased limousine owner in accordance with Subsection B(3), his or her personal representative or representatives shall be deemed to be the owner of the limousine for the purposes of this chapter.
- (5) Where a licence has been issued to the estate of the deceased limousine owner in accordance with Subsection B(3), the licence shall terminate one year from the date of death of the deceased limousine owner.
- (6) The Toronto Licensing Tribunal may, in its discretion, extend the one-year period referred to in Subsection B(5) either before or after its expiry.
- (7) Upon the sale, transfer or other disposition of a limousine by the personal representative or representatives of a deceased limousine owner, the licence issued in respect of such limousine shall be terminated, and the Municipal Licensing and Standards Division may, in its discretion, issue a new licence to

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the person purchasing or otherwise obtaining the limousine, and the provisions of this chapter requiring a fee to be paid upon the issuance of a licence to a purchaser of a limousine on a sale approved by the Toronto Licensing Tribunal shall apply.

§ 545-475. Corporations; share transfers.

- A. Every limited liability company that holds an owner's licence shall file with the Municipal Licensing and Standards Division an annual return on a form supplied by the Municipal Licensing and Standards Division, on or before February 28 of each year. **[Amended 2007-12-13 by By-law No. 1417-2007¹⁶¹]**
- B. Transfer of existing shares and issuance of new shares; review of licence.
- (1) Where a corporation holds one or more owner's licences, the corporation shall notify the Municipal Licensing and Standards Division as soon as possible, in writing, of all transfers of existing shares and of the issue of all new shares of the capital stock of the corporation. **[Amended 2007-12-13 by By-law No. 1417-2007¹⁶²]**
- (2) 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.
- C. Termination of licence upon transfer of controlling interest in corporation; review of licence.
- (1) Where the controlling interest of a corporation holding one or more owner's licences is sold, transferred or acquired by the transfer or sale of issued shares in, or by the issuance of new shares of, the corporation, the 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 licensing fee and compliance with all other by-law requirements. **[Amended 2007-12-13 by By-law No. 1417-2007¹⁶³]**
- (2) 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.

¹⁶¹ Editor's Note: This by-law provided that it comes into force 2005-09-01.

¹⁶² Editor's Note: This by-law provided that it comes into force 2005-09-01.

¹⁶³ Editor's Note: This by-law provided that it comes into force 2005-09-01.

- D. Corporate shares held by other corporations.
- (1) Where the shares in a corporation holding one or more owner's licences are held in whole or in part by another corporation, the other corporation shall file an annual return as provided in Subsection A with the Municipal Licensing and Standards Division at the same time as the owner. **[Amended 2007-12-13 by By-law No. 1417-2007¹⁶⁴]**
 - (2) The other corporation shall disclose in its annual return whether its shares are held in whole or in part by a third corporation, which shall also file an annual return under Subsection A with the Municipal Licensing and Standards Division at the same time as the owner, and so on until the names of natural persons are shown and identified as the shareholders of any and all corporations having an interest, direct or indirect, in any owner's licence.

§ 545-476. Age of vehicles.

- A. No owner shall use or permit any motor vehicle to be used as a sedan limousine if it is more than five years old by year date.
- B. No owner shall use or permit any motor vehicle to be used as a stretch limousine if it is more than eight years old by year date.¹⁶⁵
- C. No owner shall use or permit any motor vehicle to be used as a limousine if it is branded by the Ontario Ministry of Transportation as a rebuilt vehicle. **[Added 2009-04-30 by By-law No. 496-2009]**

§ 545-477. Condition of vehicles.

- A. No owner shall use or permit a limousine to be used until:
 - (1) The owner has submitted the motor vehicle for approval in accordance with this article; and
 - (2) The owner has attended the offices of the Municipal Licensing and Standards Division and produced the Provincial motor vehicle permit issued with respect to such motor vehicle.
- B. Every driver who uses and every owner who uses or permits the use of any motor vehicle as a limousine without first complying with Subsection A and who is found by the Municipal Licensing and Standards Division to be operating more motor vehicles as limousines than he or she has limousine licences shall be required to

¹⁶⁴ Editor's Note: This by-law provided that it comes into force 2005-09-01.

¹⁶⁵ Editor's Note: Former § 545-476C, regarding limousine replacement by motor vehicles more than two years old, which previously followed this subsection, was repealed 2007-12-13 by By-law No. 1417-2007; said By-law No. 1417-2007 provided that it comes into force 2005-09-01.

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attend before the Toronto Licensing Tribunal for a hearing to determine whether or not his or her licence should be suspended, revoked or have conditions placed on it.

- C. No owner shall operate or permit any limousine to be operated and no driver shall operate any limousine unless it is:
- (1) Equipped with an extra tire and wheel ready for use;
 - (2) Clean as to its exterior;
 - (3) In good repair as to its exterior;
 - (4) Clean as to its interior;
 - (5) In good repair as to its interior;
 - (6) Free from mechanical defects; and
 - (7) Equipped with a limousine plate supplied by the Municipal Licensing and Standards Division securely affixed as required by § 545-480A(1) or 545-480D; and
 - (8) Equipped with a decal as required by § 545-480A(2) and 545-480E.¹⁶⁶

§ 545-478. Vehicle examinations.

- A. Examination by designated mechanic; written report.
- (1) Every owner shall submit his or her limousine for examination by a designated mechanic before a licence is issued, and on a regularly scheduled basis at least twice annually thereafter.¹⁶⁷ **[Amended 2007-12-13 by By-law No. 1417-2007¹⁶⁸]**
 - (2) Where there are reasonable grounds to believe that a limousine or its equipment is mechanically defective, the owner shall be given written notice by the Municipal Licensing and Standards Division requiring him or her to submit his or her limousine for examination by a designated mechanic named in the notice within 24 hours.
 - (3) Where there are reasonable grounds to believe that a limousine is dangerous or unsafe, the limousine licence plate supplied by the Municipal Licensing and

¹⁶⁶ Editor's Note: Former § 545-477D, Seatbelts, § 545-477E, Child safety locks, and § 545-477F, Air-conditioning and heating systems, which previously followed this subsection, were repealed 2007-12-13 by By-law No. 1417-2007; said By-law No. 1417-2007 provided that it comes into force 2005-09-01.

¹⁶⁷ Editor's Note: Former § 545-478A(2) and (3), regarding preventing a limousine from attending an examination, which previously followed this subsection, were repealed 2007-12-13 by By-law No. 1417-2007; said By-law No. 1417-2007 provided that it comes into force 2005-09-01. Section 545-478A(4) through (11) were redesignated as § 545-478A(2) through (9), respectively.

¹⁶⁸ Editor's Note: This by-law provided that it comes into force 2005-09-01.

Standards Division may be removed, and the owner shall submit his or her limousine for examination by a designated mechanic forthwith.

- (4) An owner or driver who fails to submit his or her limousine for an examination by a designated mechanic as required by this section is guilty of an offence.
- (5) Mechanically defective limousines; major mechanical defects.
 - (a) Subject to Subsection A(5)(b) of this section, when a limousine is examined by a designated mechanic pursuant to this section who reports in writing that the limousine is mechanically defective, the owner shall not operate the limousine or permit the limousine to be operated until the designated mechanic certifies in writing that the reported mechanical defects are corrected.
 - (b) The Municipal Licensing and Standards Division shall immediately remove the limousine licence plate supplied by it if a designated mechanic reports in writing that the limousine referred to in Subsection A(5)(a) failed examinations on two occasions due to major mechanical defects in any one of the periods designated for mechanical examinations referred to in Subsection A(1), or on one occasion due to major mechanical defects in each of two consecutive periods designated for mechanical examinations referred to in Subsection A(1); and the plate shall remain removed until a designated mechanic certifies in writing that the major mechanical defects so reported are corrected.
 - (c) For the purpose of this subsection, “major mechanical defect” means mechanical defects directly or indirectly related to any part or parts of the motor vehicle involving or affecting:
 - [1] Its brakes or braking system;
 - [2] Its steering system;
 - [3] Its suspension system; or
 - [4] Its underbody.
- (6) When a limousine is examined by a designated mechanic who reports in writing that the vehicle is dangerous or unsafe and his or her reasons for that determination, the Municipal Licensing and Standards Division shall immediately remove the limousine licence plate supplied by the Municipal Licensing and Standards Division, and the plate shall remain removed until the mechanic certifies in writing that the limousine is no longer dangerous or unsafe.

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- (7) Except when an owner submits his or her limousine for examination by a designated mechanic before a licence is issued for it, every owner whose limousine is reported by such mechanic as dangerous or unsafe pursuant to Subsection A(6), or whose limousine is reported by the designated mechanic to have major mechanical defects on the occasions referred to in Subsection A(5)(b), may be required to attend before the Toronto Licensing Tribunal to determine whether or not his or her licence should be suspended, revoked or have conditions imposed on it.
 - (8) For the purpose of this section, “designated mechanic” means a mechanic designated by the Executive Director to conduct examinations of limousines under this chapter.
 - (9) The Executive Director or his or her designate may prescribe the form of report and certification used by a designated mechanic.
- B. Where an appointment has been made for an inspection of a limousine under Subsection A, and if the limousine is not produced at the time and place appointed for the inspection, the Executive Director or his or her designate may, notwithstanding anything else in this chapter, suspend the limousine owner’s licence issued in respect of the limousine until the limousine has been tested, inspected and approved.
- C. Examination of limousine before and after shifts; limousines not in good mechanical condition not to be operated.
- (1) Every owner and driver shall, on each work shift before commencing driving, examine any limousine which he or she is to drive during the shift for mechanical defects, and shall similarly examine the vehicle at the end of each shift, and if he or she is not the owner of the limousine shall report forthwith to such owner any mechanical defects of which he or she is or becomes aware.
 - (2) Every owner shall immediately check any mechanical defect in his or her limousine reported to him or her by a driver and shall not in any case operate or permit to be operated as a limousine any vehicle not in good mechanical condition.

§ 545-479. Insurance.

- A. Policy of insurance; certified copy or certificate.
- (1) Every owner shall, in respect of each limousine 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 \$2,000,000 (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.

- (2) The policy of insurance shall make provision for passenger hazard in an amount not less than the amount in Subsection A(1).
 - (3) A certified copy or certificate of the policy of insurance shall be deposited with the Municipal Licensing and Standards Division.
 - (4) The policy of insurance and the certified copy or certificates referred to in Subsection A(3) shall include the name of every person having an interest in the limousine.
- B. The Executive Director or his or her designate may, notwithstanding anything else contained in this chapter, suspend a limousine owner's licence in respect of any limousine as to which there has been a failure to comply with Subsection A or where there has been a cancellation of a policy of insurance filed under Subsection A; and such suspension shall continue until there has been satisfactory compliance with Subsection A.¹⁶⁹

§ 545-480. Limousine plates and other required equipment and markings; prohibitions.

- A. Every owner shall, for each limousine for which he or she holds a licence, provide and maintain the following equipment and markings in and on the limousine while it is operated as a limousine:
- (1) A limousine plate supplied by the Municipal Licensing and Standards Division and bearing an identifying number shall be securely affixed in a position approved by the Municipal Licensing and Standards Division;
 - (2) A decal affixed to the front windshield of the limousine, unobstructed by any material or thing and of a size and in a position approved by the Municipal Licensing and Standards Division, indicating that the vehicle has been inspected and approved for use as a limousine.¹⁷⁰
- A.1. Every driver and every owner shall at all times when driving a limousine have his or her photograph and name affixed in a place in the limousine approved by the Executive Director or his or her designate in such manner that the name and

¹⁶⁹ Editor's Note: Former § 545-479C and D, regarding a service provision agreement and limousine service companies with multiple limousines, which previously followed this subsection, were repealed 2007-12-13 by By-law No. 1417-2007; said By-law No. 1417-2007 provided that it comes into force 2005-09-01.

¹⁷⁰ Editor's Note: Former § 545-480A(3), regarding smoking in a limousine, and former § 545-480B, regarding compliance by limousine service companies, which previously followed this subsection, were repealed 2007-12-13 by By-law No. 1417-2007; said By-law No. 1417-2007 provided that it comes into force 2005-09-01. In addition, Subsections C through I have been redesignated accordingly.

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photograph are plainly visible to and readable by passengers in the back seat. **[Amended 2007-12-13 by By-law No. 1417-2007¹⁷¹]**

- B. Any owner who permits a limousine plate to be affixed to a motor vehicle 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 his, her or its licence should be suspended, revoked or have conditions placed on it. **[Amended 2007-12-13 by By-law No. 1417-2007¹⁷²]**
- C. Replacement of number plates; temporary plates.
- (1) Limousine plates that are defaced, lost or destroyed may be replaced by the Municipal Licensing and Standards Division upon the original plate being satisfactorily accounted for and upon payment of the cost of a duplicate plate.
 - (2) The duplicate plate shall bear the number of the original plate, together with the letter “D” identifying it as a duplicate plate.
 - (3) The Municipal Licensing and Standards Division may issue a special temporary plate.
 - (4) The temporary plate shall be issued during the period required to obtain the duplicate plate, and such temporary plate shall be returned to the Municipal Licensing and Standards Division forthwith upon demand or immediately upon receipt of a duplicate plate.
 - (5) No person shall use a limousine plate in place of which a duplicate has been issued.
 - (6) No duplicate plate shall be replaced except upon the approval of the Executive Director or his or her designate.¹⁷³
- D. Subject to Subsections A and C, no owner shall exhibit or permit to be exhibited on or about his or her limousine any number, light, sign, notice, writing, other advertisement or things which indicate or is intended to indicate to the public that the limousine is other than a private automobile. **[Amended 2007-12-13 by By-law No. 1417-2007¹⁷⁴]**
- E. Every driver and every owner shall carry his or her licence issued by the Municipal Licensing and Standards Division at all times when engaged in the occupation of

¹⁷¹ Editor’s Note: This by-law provided that it comes into force 2005-09-01.

¹⁷² Editor’s Note: This by-law provided that it comes into force 2005-09-01.

¹⁷³ Editor’s Note: Former § 545-480D(7), regarding unlawful use of plates, and former § 545-480E, regarding decals, which previously followed this subsection, were repealed 2007-12-13 by By-law No. 1417-2007; said By-law No. 1417-2007 provided that it comes into force 2005-09-01. In addition, the remaining subsections have been redesignated accordingly.

¹⁷⁴ Editor’s Note: This by-law provided that it comes into force 2005-09-01.

driving a limousine and shall produce it for inspection when requested by the Municipal Licensing and Standards Division.

- F. Taximeters prohibited.
- (1) No owner shall affix a taximeter to his or her limousine or permit a taximeter to remain in his or her limousine while it is available for service or otherwise in use as a limousine.
 - (2) No person shall drive or otherwise operate a limousine which is equipped with a taximeter.¹⁷⁵

§ 545-481. Advertising.

[Amended 2007-12-13 by By-law No. 1417-2007¹⁷⁶]

- A. No owner shall display or permit the display of any advertisement on his or her limousine.
- B. No owner or driver shall permit his or her services or the services of his or her limousine to be advertised in any way, except by himself or herself, or by some licensed owner with whom he or she is associated.
- C. No owner of a limousine shall in any advertisement made or permitted to be made by him or her use or permit the use of the words “taxi,” “taxicab,” “cab” or any other word or words which indicate or could be reasonably interpreted to indicate that the limousine is a taxicab or is available for service as a taxicab as defined by this chapter.

§ 545-482. Rates and fares.

- A. Minimum rates. **[Amended 2007-09-27 by By-law No. 1082-2007; 2007-12-13 by By-law No. 1417-2007¹⁷⁷]**
- (1) Notwithstanding anything else in this chapter except Subsection A(2), the minimum rates or fares to be quoted and charged by an owner, driver, limousine service company or any person in its employ shall be \$70 (+ G.S.T.) per hour for the first two hours or part thereof.
 - (2) The minimum rates or fares to be quoted and charged by an owner, driver, limousine service company or any person in its employ for trips originating within the City of Toronto and terminating at Lester B. Pearson International

¹⁷⁵ Editor’s Note: Former § 545-480H(3), regarding use of taximeters by limousine service companies, and former § 545-480I, Two-way radios prohibited, which previously followed this subsection, were repealed 2007-12-13 by By-law No. 1417-2007; said By-law No. 1417-2007 provided that it comes into force 2005-09-01.

¹⁷⁶ Editor’s Note: This by-law provided that it comes into force 2005-09-01.

¹⁷⁷ Editor’s Note: This by-law provided that it comes into force 2005-09-01.

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Airport shall be in accordance with Appendix N to Chapter 545, Limousine Tariffs from the City of Toronto to Lester B. Pearson International Airport.

- B. The rate, fare, fee or charge for the conveyance of persons by a limousine shall be as disclosed at the time the limousine service is pre-arranged by the limousine service company.
- C. No owner or driver shall publish or use a tariff or demand or receive rates and charges other than those authorized by this chapter, whether such rates and charges are determined by distance, time or in any other manner. **[Amended 2007-12-13 by By-law No. 1417-2007¹⁷⁸]**
- D. Every owner and limousine service company shall file with the Municipal Licensing and Standards Division a schedule of rates to be charged for the conveyance of passengers in the City of Toronto in respect of every limousine owned by him or her and for every other conveyance for which a licence is required under this chapter.
- E. A copy of the applicable schedule of rates filed with the Municipal Licensing and Standards Division as required by this Subsection D showing the charges to be collected for services rendered or to be rendered in connection with a limousine shall at all times be kept by the person licensed as the owner of the limousine in such vehicle to be shown to the hirer on demand, and no person licensed under this chapter shall use or publish any other schedule of rates or tariff.
- F. A schedule of rates filed with the Municipal Licensing and Standards Division by an owner may not be altered or amended without the consent of the Municipal Licensing and Standards Division unless 30 days' notice of the owner's intention to change such schedule is given to the Municipal Licensing and Standards Division. **[Amended 2007-12-13 by By-law No. 1417-2007¹⁷⁹]**
- G. No owner, driver or limousine service company shall publish or use a tariff or demand or receive rates or charges other than those set out in the applicable schedule of rates filed with the Municipal Licensing and Standards Division as required by this section.
- H. No licensed person shall make any charge under this chapter for time lost through defects or inefficiency of the limousine, incompetency of the driver, or for time consumed by the arrival of the limousine in response to a pre-arrangement in

¹⁷⁸ Editor's Note: This by-law provided that it comes into force 2005-09-01.

¹⁷⁹ Editor's Note: This by-law provided that it comes into force 2005-09-01.

advance of the time the limousine has been requested by the person who pre-arranged the service.¹⁸⁰

§ 545-483. Service logs and dispatch records.

A. Information to be recorded by driver; service log to be updated after each booking of a fare.

(1) Every driver and owner who drives a limousine shall keep a daily service log in a form approved by the Executive Director or his or her designate, recording all trips booked and serviced by the limousine, which shall contain the following information:

- (a) The name, address, and limousine licence number of the driver;
- (b) The limousine owner's plate number of the limousine;
- (c) The date, time and location of the beginning and termination of each trip;
- (d) The name of the passenger; and
- (e) The amount of fare charged for each trip.

(2) No driver or owner who drives a limousine shall obstruct traffic while writing up his or her service log, but every driver or owner who drives a limousine shall record the name of the passenger to be picked up and the date, time and location of the beginning of each trip as soon as the service has been pre-arranged and shall complete the service log as soon as practicable after the trip has been completed. [Amended 2007-12-13 by By-law No. 1417-2007¹⁸¹]

(3) The service log required by Subsection A shall be open to inspection by the Municipal Licensing and Standards Division or any person authorized by the Executive Director forthwith upon request, and such person shall be permitted to remove such records and retain them for a reasonable time.

B. Dispatch records.

(1) Every limousine service company shall be responsible for keeping a record containing the following information with respect to every trip upon which a limousine in its employ is dispatched:

¹⁸⁰ Editor's Note: Former § 545-482I, regarding receipts, which previously followed this subsection, was repealed 2007-12-13 by By-law No. 1417-2007; said By-law No. 1417-2007 provided that it comes into force 2005-09-01.

¹⁸¹ Editor's Note: This by-law provided that it comes into force 2005-09-01.

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- (a) The Municipal Licensing and Standards Division limousine owner's plate issued for the vehicle along with the Provincial motor vehicle permit number of the vehicle;
 - (b) The name and licence number of the driver;
 - (c) The date, time and location of the beginning and termination of each trip along with the name of the corporation or individual booking the trip; and
 - (d) The amount of fare to be charged for each trip.
- (2) The records required by Subsection B shall be kept by the limousine service company for at least 12 months and shall be open to inspection by the Municipal Licensing and Standards Division or any person authorized by the Executive Director forthwith upon request, and such person shall be permitted to remove such records and retain them for a reasonable time.
- C. Every limousine service company shall check the daily service logs kept by every driver or owner of every limousine with which it has a service agreement, and shall require an entry for every trip dispatched to each limousine.

§ 545-484. (Reserved)¹⁸²

§ 545-485. Cab stands.

No person licensed under this chapter shall operate or permit to be operated a limousine from a public cab stand authorized and assigned by this chapter.

§ 545-486. Pre-arranged fares.

- A. A contract for the conveyance of persons by a limousine shall be pre-arranged through the place of business of a limousine service company at least 20 minutes before the pre-arranged pick up time, and it shall be an offence to arrange a contract in any other manner. [Amended 2007-12-13 by By-law No. 1417-2007¹⁸³]
- B. No owner or driver of a limousine shall solicit any person to take or use the limousine, or hold out the limousine as being available for the conveyance of persons, on a non pre-arranged basis.
- C. No person licensed under this chapter shall solicit, employ, or allow any runner or other person to assist or act in concert with him or her in soliciting any person to

¹⁸² Editor's Note: Former § 545-484, Custody and control of limousines, was repealed 2007-12-13 by By-law No. 1417-2007; said By-law No. 1417-2007 provided that it comes into force 2005-09-01.

¹⁸³ Editor's Note: This by-law provided that it comes into force 2005-09-01.

take or use his or her limousine on any public highway, lane, street, common, park or square.

§ 545-487. Staging prohibited.

- A. No driver shall stage his or her limousine within 200 metres of a hotel, theatre, or entertainment facility unless the limousine has a pre-arranged pick-up at that location within 20 minutes.
- B. No owner or limousine service company shall permit or authorize his or her limousine to be staged within 200 metres of a hotel, theatre, or entertainment facility unless the limousine has a pre-arranged pick-up at that location within 20 minutes.

§ 545-488. General provisions respecting the operation of limousines.

- A. Every owner not being a corporation, every owner of a limousine service company not being a corporation and every driver shall be able to speak, read and write the English language.
- B. No owner shall by any arrangement or agreement permit any limousine not owned by him or her to be driven under the authority of an owner's licence issued to him or her.
- C. No person licensed under this chapter shall carry a greater number of occupants or persons in any limousine used for hire than the manufacturer's rating of seating capacity of such limousine, inclusive of the driver.
- D. No owner or driver shall drive a limousine with luggage or other material piled or placed in a manner that obstructs his or her view.¹⁸⁴
- E. Exclusive concession agreements.
 - (1) For the purpose of this section, "exclusive concession agreement" includes any agreement, whether or not for valuable consideration, which has for its purpose or effect the granting to any person of a right or licence to provide limousine service to any public transportation terminal, subway station, hotel, motel, cab stand, or any other place, to the exclusion of one or more other limousines.
 - (2) No owner or driver shall enter into or become a party to an exclusive concession agreement. [Amended 2007-12-13 by By-law No. 1417-2007¹⁸⁵]

¹⁸⁴ Editor's Note: Former § 545-488E, Smoking, and former § 545-488F, regarding sound-producing mechanical devices, which previously followed this subsection, were repealed 2007-12-13 by By-law No. 1417-2007; said By-law No. 1417-2007 provided that it comes into force 2005-09-01. In addition, the remaining subsections have been redesignated accordingly.

¹⁸⁵ Editor's Note: This by-law provided that it comes into force 2005-09-01.

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- (3) No owner or driver shall pay, agree to pay, accept, or agree to accept a fee or consideration, or do any other act or thing, pursuant to an exclusive concession agreement. **[Amended 2007-12-13 by By-law No. 1417-2007¹⁸⁶]**
- (4) No owner or driver of a limousine shall pay or agree to pay any consideration to any person in return for or as a result of any act by such person done for the purpose of soliciting business for such limousine or directing or encouraging any person to use such limousine at any of the places referred to in Subsection E(1).
- F. No owner shall pay any female driver in his or her employ wages at a lesser rate than he or she pays to male drivers in his or her employ, or if such owner only employs female drivers, at a lesser rate than the prevailing rate paid by other owners to their male drivers. **[Amended 2007-12-13 by By-law No. 1417-2007¹⁸⁷]**
- G. No owner or driver shall take, consume or have in his or her possession any liquor while he or she is in charge of his or her limousine, nor shall the use of liquor by him or her be apparent while he or she is in charge of any limousine.
- H. Every driver licensed under this chapter, and every owner while driving or operating a limousine, shall be properly dressed, neat and clean in person, and be civil and well-behaved and at any time he or she is waiting for a pre-arranged fare, shall sit or stand sufficiently close to his or her limousine to have it under constant, close observation, and such drivers or owners shall not in any way obstruct the use of the sidewalk, or make any loud noise or disturbance.
- I. Any owner, driver or limousine service company 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 his or her change of address and produce his or her licence for the change to be entered on it.
- J. Right to refuse service to certain passengers. **[Amended 2007-12-13 by By-law No. 1417-2007¹⁸⁸]**
- (1) Except as provided in Subsection J(2), a driver or owner who drives who refuses to serve a person who has pre-arranged the service of his or her limousine is guilty of an offence.
- (2) A driver or an owner who drives may refuse to serve a person who has pre-arranged the service of his or her limousine, provided that the driver or owner who drives immediately records his or her reasons for such refusal on his or her service log, if the person requiring the service:

¹⁸⁶ Editor's Note: This by-law provided that it comes into force 2005-09-01.

¹⁸⁷ Editor's Note: This by-law provided that it comes into force 2005-09-01.

¹⁸⁸ Editor's Note: This by-law provided that it comes into force 2005-09-01.

- (a) Owes the owner or driver for a previous fare or service;
 - (b) Asks to be driven to a remote place in circumstances which such owner or driver reasonably believes to be unsafe; or
 - (c) Is unduly obnoxious or abusive.
- (3) An owner who drives his or her limousine, or a driver, is guilty of an offence who:
- (a) Refuses to serve a person requesting the services of his or her limousine;
 - (b) Pleads some previous engagement; and
 - (c) Does not give the name and address of the person to whom he or she is so engaged, together with the time and place of such engagement, to the Municipal Licensing and Standards Division when requested by them to do so.¹⁸⁹ **[Amended 2008-03-05 by By-law No. 230-2008]**
- K. Delivery of property; property and money left behind.
- (1) Every owner and driver shall take due care of all property delivered or entrusted to him or her for conveyance or safekeeping.
 - (2) Every driver, immediately upon the termination of any hiring or engagement, shall carefully search his or her limousine for any property lost or left in it, and all property or money left in his or her limousine shall be forthwith delivered over to the person owning it, 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 money or property.
- L. No owner or driver shall knowingly drive any person or permit any person to be driven about the streets in his or her limousine for the purpose of soliciting for acts of prostitution from the limousine, or for any other unlawful purpose. **[Amended 2007-12-13 by By-law No. 1417-2007¹⁹⁰]**
- M. No owner or driver shall induce any person to employ his or her limousine by knowingly misleading or deceiving any person as to the location or distance of any place or by making any false representation to such person. **[Amended 2007-12-13 by By-law No. 1417-2007¹⁹¹]**
- N. Every driver shall:

¹⁸⁹ Editor's Note: Former § 545-488M, Maximum hours in a shift, which previously followed this subsection, was repealed 2007-12-13 by By-law No. 1417-2007; said By-law No. 1417-2007 provided that it comes into force 2005-09-01. In addition, the remaining subsections have been redesignated accordingly.

¹⁹⁰ Editor's Note: This by-law provided that it comes into force 2005-09-01.

¹⁹¹ Editor's Note: This by-law provided that it comes into force 2005-09-01.

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- (1) Report forthwith to his or her employer any accident in which he or she was involved while operating his or her employer's limousine; and
 - (2) At the end of his or her work period, return the limousine to his or her employer, and shall not at any time abandon the limousine or permit any other person to drive it.
- O. Every limousine service company shall maintain a central place of business where a listed telephone number is operative and where all business records required under this article are kept, and which shall be accessible during regular business hours.¹⁹²

§ 545-489. Fleet ratios to be maintained.

[Amended 2006-03-30 by By-law No. 217-2006¹⁹³; 2007-12-13 by By-law No. 1417-2007¹⁹⁴]

- A. Every limousine service company shall have and maintain service agreements for at least one stretch limousine and at least two sedan limousines.
- B. Subject to § 545-489A, a limousine service company that has and maintains a service agreement for one stretch limousine may have service agreements for up to four sedan limousines.
- C. A limousine service company that has and maintains service agreements for five vehicles in accordance with Subsections A and B may enter into service agreements for additional sedan limousines provided that it shall have and maintain service agreements for at least one stretch limousine for each six additional sedan limousines.
- D. This section does not apply to the vehicles owned or operated by a limousine service company if the company was licensed as a livery cab owner as of May 19, 2005, and if the vehicles were owned or operated by that company as of May 19, 2005.

§ 545-490. Service agreements.

- A. Every owner shall enter into a service agreement with a limousine service company with respect to each limousine he or she owns.
- B. Every applicant for a limousine service company licence shall, at the time of making his or her application, file with the Municipal Licensing and Standards

¹⁹² Editor's Note: Former § 545-488S, regulating limousine service companies, as amended 2005-10-28 by By-law No. 902-2005, which previously followed this subsection, was repealed 2007-12-13 by By-law No. 1417-2007; said By-law No. 1417-2007 provided that it comes into force 2005-09-01.

¹⁹³ Editor's Note: This by-law law provided that it comes into force 2005-07-21.

¹⁹⁴ Editor's Note: This by-law provided that it comes into force 2005-09-01.

Division a separate service agreement for each limousine to be used in respect of the business for which the licence is sought, showing the name, licence number and plate number of the limousine owner. [Amended 2007-12-13 by By-law No. 1417-2007¹⁹⁵]

- C. Every limousine service company licensed or required to be licensed under this chapter shall file with the Municipal Licensing and Standards Division a separate service agreement in respect of every additional limousine used by the limousine service company, within 48 hours of its first use.
- D. Every limousine service company licensed by the Municipal Licensing and Standards Division shall file a service cancellation notice within 48 hours of ceasing to use any limousine in the operation of their business. [Amended 2007-12-13 by By-law No. 1417-2007¹⁹⁶]

§ 545-491. (Reserved)¹⁹⁷

ARTICLE XL
Temporary Sign Providers
[Added 2005-07-21 by By-law No. 698-2005¹⁹⁸]

§ 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.

¹⁹⁵ Editor's Note: This by-law provided that it comes into force 2005-09-01.

¹⁹⁶ Editor's Note: This by-law provided that it comes into force 2005-09-01.

¹⁹⁷ Editor's Note: Former § 545-491, Accepting and dispatching calls for service, was repealed 2007-12-13 by By-law No. 1417-2007; said By-law No. 1417-2007 provided that it comes into force 2005-09-01.

¹⁹⁸ Editor's Note: This by-law stated that it comes into force 60 days after enactment (2005-09-20).

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ARTICLE XLI

Entertainment Establishment/Nightclub
[Added 2006-02-02 by By-law No. 20-2006]

§ 545-493. Definitions.

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

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 No. 216-2006¹⁹⁹]**
- 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

¹⁹⁹ Editor's Note: This by-law provided that it comes into force 2006-02-02.

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 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, refuse and other debris and shall install and maintain containers for the deposit of litter, refuse and other debris.

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§ 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.
- 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 No. 800-2006²⁰⁰]

§ 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.

²⁰⁰ Editor's Note: This by-law provided that it comes into force 2007-01-01.

§ 545-501. Endorsement requirement.

[Amended 2006-12-06 by By-law No. 4-2007²⁰¹]

Every operator who operates more than one clothing drop box shall, subject to the provisions of this article and subject to the payment of the fee prescribed by § 545-507A of this article, obtain a separate endorsement of his or her licence for every clothing drop box he or she operates.

§ 545-502. Additional information to be filed with application for operator's licence; endorsement.

- A. In addition to any information required to be furnished under this chapter, every applicant for a licence as an operator or for an endorsement of an operator's licence 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.

§ 545-503. Sticker.

- A. Every operator shall, for each clothing drop box operated by such person for which a licence or endorsement has been issued:
- (1) Obtain a sticker from the Municipal Licensing and Standards Division bearing an identifying number, the location for which the clothing drop box has been approved, and the expiry date of the licence or endorsement; and
 - (2) Affix and maintain the sticker on a conspicuous part of the clothing drop box throughout the period for which the licence or endorsement is valid.

§ 545-504. Change or addition of clothing drop box location.

- A. No operator shall operate a clothing drop box in any location other than the location in respect of which the licence or endorsement has been issued.

²⁰¹ Editor's Note: This by-law provided that it comes into force 2007-01-01.

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- B. Despite § 545-504A, an operator who wishes to move a clothing drop box may apply for an amendment to the licence or endorsement 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:
- (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; and
 - (3) 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, refuse and other debris.

§ 545-507. Fees.

- A. Notwithstanding § 545-4O of this chapter, every operator licensed as such under this chapter who applies for an amendment to the licence under § 545-504B, or who applies for an endorsement to permit him or her to operate an additional clothing drop box, shall pay a fee of \$60. [Amended 2006-12-06 by By-law No. 4-2007²⁰²]
- B. Notwithstanding any other provision in this chapter, where an operator pays the fee referred to in Subsection A within 30 days of the expiry date of the licence, the fee

²⁰² Editor's Note: This by-law provided that it comes into force 2007-01-01.

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payable for the renewal of the endorsement shall be reduced by the amount paid by the operator for the amendment or the endorsement.

- C. Every endorsement issued under § 545-501 shall expire on the date of expiry of the licence so endorsed and may be renewed subject to the provisions of this chapter and upon payment of a renewal of endorsement fee of \$60.