

TORONTO MUNICIPAL CODE
CHAPTER 545, LICENSING

Chapter 545

LICENSING

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**[History: Adopted by the Council of the City of Toronto June 20, 2002 by By-law 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.
Lottery licensing - See Ch. 553.
Licensing of videotape stores - See Ch. 832.
Accessibility Standards for Customer Service O. Reg. 429/07 - See Accessibility for Ontarians with Disabilities Act, 2005, S.O. 2005, c.11.
Blind Persons' Rights Act - See R.S.O. 1990, c. B.7.
Building Code Act, 1992 - See S.O. 1992, c. 23.
Condominium Act - See S.O. 1998, c. 19.
Energy Act - See R.S.O. 1990, c. E.16.
Environmental Protection Act - See R.S.O. 1990, c. E.19.
Health Protection and Promotion Act - See R.S.O. 1990, c. H.7.
Highway Traffic Act - See R.S.O. 1990, c. H.8.
Insurance Act - See R.S.O. 1990, c. I.8.
Land Titles Act - See R.S.O. 1990, c. L.5.
Liquor Licence Act - See R.S.O. 1990, c. L.19.
Municipal Act - See R.S.O. 1990, c. M.45.
Municipal Act, 2001 - See S.O. 2001, c. 25.
Pawnbrokers' Act - See R.S.O. 1990, c. P.6.
Private Security and Investigative Services Act, 2005 - See S.O. 2005, c. 34.
Provincial Offences Act - See R.S.O. 1990, c. P.33.
Public Vehicles Act - See R.S.O. 1990, c. P.54.
Registry Act - See R.S.O. 1990, c. R.20.
Regulated Health Professions Act, 1991 - See S.O. 1991, c.18.
Substitute Decisions Act, 1992 - See S.O. 1992, c. 30.
Theatres Act - See R.S.O. 1990, c. T.6.
Veterinarians Act - See R.S.O. 1990, c. V.3.
Workplace Safety and Insurance Act, 1997 - See S.O. 1997, c.16.

¹ Editor's Note: This by-law was passed under the authority of the Municipal Act, R.S.O. 1990, c. M.45, as amended, and the City of Toronto Act, 1997 (*No. 2*), S.O. 1997, c. 26, as amended. Section 2 of this by-law also repealed By-law 574-2000, as amended. Section 3 of this by-law stated that, notwithstanding Section 2 of this by-law, all licences issued pursuant to By-law 574-2000, as amended, shall remain in full force and effect during the period for which such licences have been issued, unless for some other reason such licences are terminated, suspended, forfeited or revoked. Section 2 of this by-law shall not affect any offence committed against, any penalty incurred in respect to, nor any investigation, legal proceeding or remedy under By-law 574-2000. Section 4 of this by-law stated that any investigation or legal proceeding commenced under or in respect of By-law 574-2000 prior to the enactment of this by-law shall be taken up and continued under and in conformity with this by-law. Section 5 of this by-law stated that it comes into force October 31, 2002; Section 5 was amended October 30, 2002 by By-law 847-2002 to change the effective date of "October 31, 2002" to "January 1, 2003."

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ARTICLE I
General Licensing Provisions

§ 545-1. Definitions.

[Amended 2015-10-02 by By-law 973-2015; 2015-11-04 by By-law 1131-2015; 2016-06-09 by By-law 575-2016²; 2019-12-18 by By-law 1797-2019³; 2023-10-12 by By-law 970-2023⁴; 2024-05-23 by By-law 492-2024⁵]

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

ADULT ENTERTAINMENT CLUB:

[Amended 2013-02-21 by By-law 243-2013⁶; 2013-05-10 by By-law 620-2013⁷]

- A. Any premises or part thereof in which is provided services appealing to or designed to appeal to erotic or sexual appetites or inclinations.
- B. In this definition:
 - (1) TO PROVIDE - When used in relation to services, includes to furnish, perform, solicit, or give such services in pursuance of a trade, business or occupation, and "providing" and "provision" have corresponding meanings.
 - (2) SERVICES - Includes activities, facilities, performances, exhibitions, viewing and encounters.
 - (3) SERVICES DESIGNED TO APPEAL TO EROTIC OR SEXUAL APPETITES OR INCLINATIONS - Includes:
 - (a) Services of which a principal feature or characteristic is the nudity or partial nudity of any person;
 - (b) Services in respect of which the word "nude," "naked," "topless," "bottomless," "sexy" or any other word or any other picture, symbol or representation having like meaning or implication is used in any advertisement;
 - (c) When used in reference to an adult entertainment club:

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

³ Editor's Note: The definitions of "Acupuncture", "Traditional Chinese Medicine" and "Drive-self Cartage Vehicle" were deleted December 18, 2019 by By-law 1797-2019.

⁴ Editor's Note: The definition of "tow truck" was deleted by By-law 970-2023, which came into force on January 1, 2024.

⁵ Editor's Note: By-law 492-2024 came into force on January 1, 2025.

⁶ Editor's Note: By-law 243-2013 came into effect February 1, 2013.

⁷ Editor's Note: By-law 620-2013 came into effect July 1, 2013.

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- [1] DESIGNATED MANAGER - A person authorized by the owner of an adult entertainment club to manage, supervise, or control daily or shift operations of a club on behalf of an owner or operator.
- [2] ENTERTAINER - Any person other than a licensed owner or operator who provides services designed to appeal to erotic or sexual appetites or inclinations at an adult entertainment club;
- [3] OWNER - A person who alone or with others has the right to possess or occupy an adult entertainment club or actually does possess or occupy an adult entertainment club and includes a lessee of an adult entertainment club or of premises upon which an adult entertainment club is located; and
- [4] OPERATOR - A person who manages, supervises, runs, or controls all operations of an adult entertainment club.

AMUSEMENT ACTIVITY – Activities including but not limited to the following: bowling, video arcades and arcade games, archery, axe throwing, carnivals, internet cafes, miniature golf, golf driving ranges, go-kart courses, roller-skating rinks, billiards or pool, trampolines, rebound tumbling, and other like activities. **[Added 2024-05-23 by By-law 492-2024⁸]**

AMUSEMENT, ENTERTAINMENT, OR LIVE PERFORMANCE – Any activity, performance, presentation, show, or similar event intended to provide amusement, entertainment, or diversion to patrons, including but not limited to the playing of amplified live music and any activity that involves the amplification of sound. **[Added 2024-05-23 by By-law 492-2024⁹]**

AMUSEMENT ESTABLISHMENT – A premises that offers or permits any type of amusement activity for patrons, including any establishment that provides space for amusement activities for patrons, but does not include fitness facilities, recreation centres, or community centres. **[Added 2024-05-23 by By-law 492-2024¹⁰]**

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

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

⁸ Editor's Note: By-law 492-2024 came into force on January 1, 2025.

⁹ Editor's Note: By-law 492-2024 came into force on January 1, 2025.

¹⁰ Editor's Note: By-law 492-2024 came into force on January 1, 2025.

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

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

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

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

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

CITY COUNCIL - The Council of the City of Toronto.

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

CLOTHING DROP BOX - Any receptacle used for the purpose of collecting clothing, donated by the public, on an ongoing basis and as part of the regular activity of the operator. **[Added 2006-09-27 by By-law 800-2006¹¹]**

COFFEE TRUCK - A refreshment vehicle that, other than coffee or tea, offers for sale only pre-packaged foods and/or pre-bottled beverages. **[Added 2011-04-13 by By-law 518-2011¹²]**

COMMERCIAL PARKING LOT - Any location that demands compensation in relation to the use of a parking space, but does not include: **[Added 2015-07-09 by By-law 804-2015¹³; amended 2016-10-07 by By-law 970-2016]**

- A. Any parking location operated by or under the authority of the Toronto Parking Authority, regulated under Chapter 179, Parking Authority;
- B. Any City agency, board, commission, corporation or division;
- C. Any parking space rented on a weekly, monthly or yearly basis for one person's exclusive use;

¹¹ Editor's Note: This by-law came into force January 1, 2007.

¹² Editor's Note: This by-law came into force January 27, 2010.

¹³ Editor's Note: By-law 804-2015 came into force September 1, 2015.

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- D. Any parking space located upon the driveway of a residential building; and
- E. Any parking location operated by a registered charitable organization, as defined in subsection 248(1) of the Income Tax Act, R.S.C. 1985, c. 1 (5th Supp.), or successor legislation, that has a registration number issued by the Canada Revenue Agency, or successor agency.

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

DRIVE-SELF 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.

DRIVER - The driver of a vehicle, including an owner who drives his or her own vehicle.
[Added 2019-12-18 by By-law 1797-2019]

DRIVEWAY PAVING CONTRACTOR - Any person that has ownership of a business that paves or resurfaces driveways and parking lots. **[Added 2011-05-19 by By-law 688-2011]¹⁴**

E-SUBSTANCE - A substance that is manufactured or sold to be used in an electronic cigarette.
[Added 2020-01-29 by By-law 113-2020¹⁵]

EATING OR DRINKING ESTABLISHMENT - A premises where food or beverages are prepared or served to patrons for immediate consumption on-site and which may include an incidental take-out service and ancillary amusement, entertainment, or live performance.
[Amended 2024-05-23 by By-law 492-2024¹⁶]

ELECTRONIC CIGARETTE - A vaporizer or inhalant-type device, whether called an electronic cigarette or any other name, that contains a power source and heating element designed to heat a substance and produce a vapour intended to be inhaled by the user of the device directly through the mouth, whether or not the vapour contains nicotine. **[Added 2020-01-29 by By-law 113-2020¹⁷]**

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

¹⁴ Editor's Note: This by-law came into force July 4, 2011.

¹⁵ Editor's Note: By-law 113-2020 came into force April 1, 2020.

¹⁶ Editor's Note: By-law 492-2024 came into force on January 1, 2025.

¹⁷ Editor's Note: By-law 113-2020 came into force April 1, 2020.

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ENTERTAINMENT ESTABLISHMENT/NIGHTCLUB - [Added 2006-02-02 by By-law 20-2006; Amended 2024-05-23 by By-law 492-2024¹⁸]

- A. A premises where amplified music is provided for patron entertainment or dancing.
- B. Despite Subsection A, a premises shall be deemed an entertainment establishment/nightclub where it meets three or more of the following criteria:
 - (1) The establishment offers or advertises bottle service, meaning the sale or service of liquor by the bottle;
 - (2) The operator refers to or advertises the establishment as a club, nightclub, disco, dance hall, dance club, or similar venue;
 - (3) The premises are equipped with a lighting system, sound system, or disc jockey booth greater in scope than one expected in an eating or drinking establishment;
 - (4) The premises has a stage, dance floor, or other area used for patron entertainment or dancing.
- C. Despite Subsections A and B, an entertainment establishment/nightclub shall not include an adult entertainment club.

ENTERTAINMENT PLACE OF ASSEMBLY – A premises used as any of the following: [Added 2024-05-23 by By-law 492-2024¹⁹]

- A. A performing arts space, live music performance venue, or any other establishment that offers entertainment or performances for patrons, including but not limited to a theatre, cinema, opera, concert hall, circus, or ballet;
- B. A space offered to other persons or entities to host entertainment or performances for patrons, including banquet halls or event venues.

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

EXPANDED ACTIVITY EATING OR DRINKING ESTABLISHMENT – An eating or drinking establishment that meets three or more of the following criteria: [Added 2024-05-23 by By-law 492-2024²⁰]

- A. Within any seven-day period, the establishment operates past 11:00 P.M. for the majority of days it is open;
- B. The establishment has a liquor licence to serve alcohol;
- C. The establishment offers amusement, entertainment, or live performance;

¹⁸ Editor's Note: By-law 492-2024 came into force on January 1, 2025.

¹⁹ Editor's Note: By-law 492-2024 came into force on January 1, 2025.

²⁰ Editor's Note: By-law 492-2024 came into force on January 1, 2025.

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D. The occupant load of the establishment exceeds 150 persons.

EXPANDED ACTIVITY ENTERTAINMENT PLACE OF ASSEMBLY – An entertainment place of assembly that meets all the following criteria: **[Added 2024-05-23 by By-law 492-2024²¹]**

A. Within any seven-day period, the establishment operates past 12:00 A.M. for the majority of days it is open;

B. The establishment has a liquor licence to serve alcohol; and

C. The occupant load of the establishment exceeds 150 persons.

FOOD - Food or drink for human consumption and includes an ingredient or food or drink for human consumption. **[Added 2019-12-18 by By-law 1797-2019]**

FOOD SAFETY INSPECTION NOTICE²² - A notice issued by the Medical Officer of Health to an eating or drinking establishment as a result of any inspection of such eating or drinking establishment conducted pursuant to the Health Protection and Promotion Act, or the Regulations enacted thereunder, as amended.

FOOD SAFETY INSPECTION REPORT²³ - A report issued by the Medical Officer of Health to an eating or drinking establishment as a result of any inspection of such eating or drinking establishment conducted pursuant to the Health Protection and Promotion Act, or the Regulations enacted thereunder, as amended.

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

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

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

HOLISTIC SERVICES - Any modality used as a tool for therapeutic and wellness purposes, but does not include: **[Amended 2005-07-26 by By-law 719-2005; 2019-12-18 by By-law 1797-2019]**

A. Body-rubs as defined by this chapter; and

²¹ Editor's Note: By-law 492-2024 came into force on January 1, 2025.

²² Editor's Note: The definition of "Food Safety Inspection Notice" was moved from § 545-157E by By-law 1797-2019 enacted on December 18, 2019.

²³ Editor's Note: The definition of "Food Safety Inspection Report" was moved from § 545-157E by By-law 1797-2019 enacted on December 18, 2019.

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- 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.

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

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

LARGE QUADRICYCLE - As defined in the Highway Traffic Act and its regulations and/or successors and includes non-assist large quadricycles and electric-assist large quadricycles as defined therein. **[Added 2022-06-16 by By-law 600-2022]**

LEVEL 1 NOISE CONTROL PLAN – A plan, submitted by the operator of an establishment to the Municipal Licensing and Standards Division in a form and manner satisfactory to the Executive Director, that contains the following: **[Added 2024-05-23 by By-law 492-2024²⁴]**

- A. An acknowledgement by the operator of the applicable by-law requirements of Toronto Municipal Code, Chapter 591, Noise, and the availability of community-based mediation services to resolve noise complaints;
- B. Information from the operator that identifies all sound-producing or amplification equipment on the premises, including the type of equipment and the frequency of its intended use;
- C. An operations strategy, submitted to the Municipal Licensing and Standards Division upon request, that contains the following:
- (1) How and when the operator will monitor noise levels emanating from the premises;
 - (2) What action the operator will take to alleviate excessive noise while the establishment is operating;
 - (3) How and when the operator will monitor the exterior of the premises to address noise and loitering issues involving patrons of the establishment;
 - (4) What process the operator will use to engage with nearby residents, resident groups, and other establishments about noise or nuisance issues related to the establishment;

²⁴ Editor's Note: By-law 492-2024 came into force on January 1, 2025.

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- (5) What process the operator will use to respond to persistent resident complaints about noise, including specific actions it will take if the establishment operates in a building that also contains residential accommodation; and
 - (6) What actions the operator will take to educate staff on implementing the operations strategy;
- D. Any other information or documents related to noise production or control that may be required by the Executive Director.

LEVEL 2 NOISE CONTROL PLAN – A plan, submitted by the operator of an establishment to the Municipal Licensing and Standards Division in a form and manner satisfactory to the Executive Director, that contains the following: **[Added 2024-05-23 by By-law 492-2024²⁵]**

- A. All of the information required by a level 1 noise control plan;
- B. A report by a certified professional engineer that includes:
 - (1) A statement of the intended maximum volume levels at which music or amplified sound will be played within the establishment, based on the equipment present in the establishment;
 - (2) A summary of the wattage of all sound-producing or amplification equipment used in the establishment, as well as their locations and positioning within the premises;
 - (3) The results of sound-level testing at multiple points at the exterior of the premises; and
 - (4) A summary of the sound insulation methods, equipment, and mechanisms installed on the premises and how they will be used to ensure that maximum volume levels are not exceeded.
- C. Any other information or documents related to noise production or control that may be required by the Executive Director.

LIVE MUSIC PERFORMANCE – A live performance for an audience by an individual musical artist or group of musical artists on physical or digital instruments but excludes the playback of recorded music without the active use of an instrument. **[Added 2024-05-23 by By-law 492-2024²⁶]**

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.

²⁵ Editor's Note: By-law 492-2024 came into force on January 1, 2025.

²⁶ Editor's Note: By-law 492-2024 came into force on January 1, 2025.

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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, R.S.O. 1990, c. H.7, or his or her designate.

MINOR - Any person under the age of 18 years. **[Added 2005-07-21 by By-law 671-2005²⁷]**

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

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

OPERATOR - Any person who alone or with others operates, manages, supervises, runs, or controls a business, premises, or vehicle, as the context requires, and other like words shall be given a corresponding meaning. **[Added 2019-12-18 by By-law 1797-2019]**

OCCUPANT LOAD – The number of patrons that can occupy an establishment, by reference to the highest occupant load stated on the liquor licence, zoning review application, building permit, or fire occupancy statement submitted by the operator of the establishment to the Municipal Licensing Standards Division as part of its licence application. **[Added 2024-05-23 by By-law 492-2024²⁸]**

OWNER - Any person who owns a business premises or vehicle, as the context requires, except as the term is otherwise defined within this chapter in which case that definition shall prevail. **[Added 2019-12-18 by By-law 1797-2019]**

PARKING ENFORCEMENT SERVICES - Any parking enforcement activity, including but not limited to the monitoring of property and the issuance of City of Toronto penalty notices, Toronto Police Service tow cards, and warning notices, carried on in relation to vehicles parked on private property without the consent of the owner or occupant of such property. **[Amended 2004-07-22 by By-law 725-2004; 2015-07-09 by By-law 804-2015²⁹; 2017-07-07 by By-law 797-2017³⁰]**

²⁷ Editor's Note: This by-law came into force October 1, 2005.

²⁸ Editor's Note: By-law 492-2024 came into force on January 1, 2025.

²⁹ Editor's Note: By-law 804-2015 came into force September 1, 2015.

³⁰ Editor's Note: By-law 797-2017 came into effect August 28, 2017.

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

PATRON MANAGEMENT PLAN – A plan, submitted by the operator of an establishment to the Municipal Licensing and Standards Division in a form and manner satisfactory to the Executive Director, that contains the following: **[Added 2024-05-23 by By-law 492-2024³¹]**

- A. An acknowledgement by the operator of the applicable by-law requirements of Toronto Municipal Code, Chapter 743, Use of Streets and Sidewalks, related to pedestrian clearways;
- B. A description of where patrons seeking entry or re-entry to the establishment will line up and the maximum number of patrons who will be permitted in such lineups;
- C. What procedures the operator will use to monitor lineups, to control the location of lineups, to control the number of patrons in lineups, and to ensure orderly conduct by patrons in lineups including but not limited to information on thresholds for refusing entry of patron(s) on the basis of disorderly conduct; and
- D. A description of how the operator will efficiently organize and monitor entries and exits to and from the establishment to ensure public safety and prevent patrons from loitering outside the establishment.

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

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

PENALTY NOTICE - As defined in Chapter 610, Penalties, Administration of. **[Added 2017-07-07 by By-law 797-2017³²]**

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

PERSON OF AUTHORITY – A person authorized by the operator of an establishment to operate, manage, supervise, run, or control the establishment. **[Added 2024-05-23 by By-law 492-2024³³]**

PERSONAL SERVICES - The following classes of services and procedures for personal care or adornment when performed by a personal services worker: aesthetics, body piercing, electrolysis, hairstyling, manicure and pedicure, and tattoo and micropigmentation. When used in reference to this definition: **[Added 2013-05-10 by By-law 629-2013³⁴]**

³¹ Editor's Note: By-law 492-2024 came into force on January 1, 2025.

³² Editor's Note: By-law 797-2017 came into effect August 28, 2017.

³³ Editor's Note: By-law 492-2024 came into force on January 1, 2025.

³⁴ Editor's Note: By-law 629-2013 came into force July 1, 2013.

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

PERSONAL SERVICES SETTING - A premise at which personal services are provided or offered. **[Added 2013-05-10 by By-law 629-2013³⁵]**

PERSONAL SERVICES WORKER - Any person who performs personal services but does not include a person who is a member of a health profession listed in Schedule 1 of the Regulated Health Professions Act, as amended. **[Added 2013-05-10 by By-law 629-2013³⁶]**

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

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

PRIVATE PARKING ENFORCEMENT AGENCY - A business which provides or performs parking enforcement services at a property for compensation. **[Amended 2015-07-09 by By-law 804-2015³⁷]**

PUBLIC GARAGE - Includes a building or place where motor vehicles are hired or kept or used for hire or where such vehicles or gasoline or oils are stored or kept for sale, and a building or place used as a motor vehicle repair shop or for washing or cleaning motor vehicles. **[Amended 2015-07-09 by By-law 804-2015³⁸; 2015-10-02 by By-law 973-2015; 2023-10-12 by By-law 970-2023³⁹]**

³⁵ Editor's Note: By-law 629-2013 came into force July 1, 2013.

³⁶ Editor's Note: By-law 629-2013 came into force July 1, 2013.

³⁷ Editor's Note: By-law 804-2015 came into force September 1, 2015.

³⁸ Editor's Note: By-law 804-2015 came into force September 1, 2015.

³⁹ Editor's Note: By-law 970-2023 came into force on January 1, 2024.

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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 in respect of which a licence has been issued by the Municipal Licensing and Standards Division.

SCREENING CRITERIA - Licensing thresholds established by the Executive Director under authority to establish policies and guidelines with respect to public safety and to establish thresholds for criminal and background screening, driving record checks, and other standards applicable to the issuance and renewal of all licences issued under this chapter, as published by Municipal Licensing and Standards Division. **[Added 2019-12-18 by By-law 1797-2019]**

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

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

TAKE-OUT OR RETAIL FOOD ESTABLISHMENT - **[Added 2024-05-23 by By-law 492-2024⁴⁰]**

- A. A premises where food or beverages are prepared and offered to patrons exclusively for consumption off-site; or
- B. A premises that offer pre-packaged food or drink items to patrons exclusively for consumption off-site, except where such a service is insignificant to the purposes of the business.

TEMPORARY SIGN PROVIDER - Every person engaged in the business of installing on behalf of others, or leasing or renting to others, temporary signs as defined in Chapter 693. **[Added 2005-07-21 by By-law 698-2005⁴¹]**

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

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

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.

⁴⁰ Editor's Note: By-law 492-2024 came into force on January 1, 2025.

⁴¹ Editor's Note: This by-law stated that it comes into force 60 days after enactment, September 20, 2005.

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VAPOUR PRODUCT - An electronic cigarette, an e-substance, or any component of an electronic cigarette and includes the package in which the electronic cigarette, e-substance, or component is sold. **[Added 2020-01-29 by By-law 113-2020⁴²]**

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.

WASTE - Garbage, recyclable materials, organic materials, yard waste and prohibited waste. **[Added 2017-04-28 by By-law 426-2017⁴³]**

§ 545-2. Licence requirement.

[Amended 2024-05-23 by By-law 492-2024⁴⁴]

A. There shall be taken out by the following persons a licence from the Municipal Licensing and Standards Division authorizing them respectively to carry on their several trades, businesses, and occupations in the City of Toronto for which licence the person obtaining the same shall pay to the Municipal Licensing and Standards Division at the time of taking out such licence the fee fixed by this chapter, and no person shall, within the City of Toronto, carry on or engage in any of the said trades, businesses or occupations until he or she has procured such licence or an endorsement 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) Reserved.⁴⁵
- (3) Reserved.⁴⁶
- (4) Reserved.⁴⁷
- (5) Reserved.⁴⁸
- (6) Every person who keeps boats for hire.
- (7) Every person who owns or operates a body-rub parlour.

⁴² Editor's Note: By-law 113-2020 came into force April 1, 2020.

⁴³ Editor's Note: By-law 426-2017 came into force May 1, 2017.

⁴⁴ Editor's Note: By-law 492-2024 came into force on January 1, 2025.

⁴⁵ Editor's Note: By-law 492-2024 came into force on January 1, 2025.

⁴⁶ Editor's note: Subsection (3) respecting persons owning barber-shops and hairdressing establishments was repealed by By-law 629-2013, as amended by By-law 1016-2013. These by-laws came into force July 1, 2013.

⁴⁷ Editor's Note: By-law 492-2024 came into force on January 1, 2025.

⁴⁸ Editor's note: Subsection (5) respecting persons distributing bills was deleted October 2, 2015 by By-law 973-2015.

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- (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 or operator of any store or shop where vapour products are sold, by retail. **[Amended 2020-01-29 by By-law 113-2020]⁴⁹**
- (10) The operator of every store or shop where tobacco, cigars or cigarettes are sold, or offered for sale, by retail. **[Amended 2011-04-13 by By-law 517-2011⁵⁰; 2019-12-18 by By-law 1797-2019⁵¹]**
- (11) Every person who goes from house to house or along any street, whether public or private, for the purpose of collecting, purchasing or obtaining second-hand goods.
- (12) Every drain contractor and every drain layer.
- (13) Every person who carries on the business of teaching persons to operate motor vehicles and every driving instructor employed in such business.
- (14) Reserved.⁵²
- (15) Reserved.⁵³
- (16) Reserved.⁵⁴
- (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

⁴⁹ Editor's Note: By-law 576-2016 effective July 14, 2016 repealed former Subsection (9) respecting every owner and driver of a taxicab. By-law 575-2016 also enacted (new) Chapter 546, Licensing of Vehicles-For-Hire.

⁵⁰ Editor's Note: As a result of changes in provincial legislation, the City of Toronto has the jurisdiction to licence business establishments located in hotels where previously such businesses were exempted.

⁵¹ Editor's Note: By-law 1797-2019 deleted all instances of the word "keeper" in this Chapter and replaced them with the word "operator".

⁵² Editor's Note: Subsection (14) respecting electrical contractor and master electrician was deleted October 2, 2015 by By-law 973-2015.

⁵³ Editor's Note: By-law 492-2024 came into force on January 1, 2025.

⁵⁴ Editor's Note: By-law 492-2024 came into force on January 1, 2025.

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- (c) If the goods, wares or merchandise are grown or produced by a farmer resident in Ontario who offers for sale or sells only the produce of his or her own farm; or
 - (d) If the goods, wares or merchandise are hawked, peddled or sold by a person who pays business tax in the municipality, or by his or her employee, or by his or her agent; or
 - (e) If the goods, wares or merchandise are hawked, peddled or sold by an agent of the grower, producer or manufacturer, acting on behalf of a dealer who pays business tax in the municipality in respect of premises used for the sale of such goods, wares or merchandise; or
 - (f) If the goods, wares or merchandise are event tickets. **[Added 2003-05-23 by By-law 435-2003]**
- (18) Every heating contractor, master steam and hot water heating installer and master warm air heating installer.
 - (19) Every person who carries on the business of installing insulation in buildings.
 - (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 laundretorias, washing machines or dryers, including coin-operated washing machines and dryers.
 - (22) Reserved.⁵⁵
 - (23) Reserved.
 - (24) Every owner of a motor vehicle used for hire of one or more of the following classes: drive-self rental car; drive-self rental motorcycle; drive-self rental motor scooter; drive-self rental snowmobile.
 - (25) Reserved.⁵⁶
 - (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 operator 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.

⁵⁵ Editor's Note: Subsections (22) and (23) respecting the sale of horse meat and fresh meat was deleted October 2, 2015 by By-law 973-2015.

⁵⁶ Editor's Note: Subsection (25) respecting persons engaged in racing of motor vehicles, etc. was deleted October 2, 2015 by By-law 973-2015.

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- (30) Reserved.⁵⁷
- (31) Every person who owns or operates a public garage.
- (32) Reserved.⁵⁸
- (33) Reserved.⁵⁹
- (34) Every person who owns or operates and every person, other than the driver of a coffee truck, who drives a vehicle from which refreshments are sold for consumption by the public. **[Amended 2011-04-13 by By-law 518-2011⁶⁰; 2013-12-18 by By-law 1730-2013]**
- (35) Every owner or operator of a salvage shop.
- (36) Every owner or operator of a salvage yard.
- (37) Every driver of a school bus.
- (38) Every owner of a shop, store or other place for the purchase, sale or exchange of second-hand goods.
- (39) Reserved.⁶¹
- (40) Reserved.⁶²
- (41) Reserved.⁶³
- (42) Reserved.⁶⁴
- (43) Reserved.⁶⁵
- (44) Reserved.⁶⁶
- (45) Reserved.⁶⁷

⁵⁷ Editor's Note: Repealed by By-law 1653-2012, effective February 7, 2012.

⁵⁸ Editor's Note: Subsection (32) respecting clubs with billiard, pool or bagatelle tables was deleted October 2, 2015 by By-law 973-2015.

⁵⁹ Editor's Note: By-law 492-2024 came into force on January 1, 2025.

⁶⁰ Editor's Note: This by-law came into force January 27, 2010.

⁶¹ Editor's Note: Subsection (39) respecting persons, except those licensed under Subsection A(35), (36) or (38), 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 was deleted December 18, 2019 by By-law 1797-2019.

⁶² Editor's Note: Subsection (40) respecting automobile service stations was deleted October 2, 2015 by By-law 973-2015.

⁶³ Editor's Note: Subsection (41) respecting owners and drivers of horse-drawn vehicles was deleted October 2, 2015 by By-law 973-2015.

⁶⁴ Editor's Note: By-law 492-2024 came into force on January 1, 2025.

⁶⁵ Editor's Note: Subsection (43) respecting owners or keepers of a swimming pool or public bath was deleted October 2, 2015 by By-law 973-2015.

⁶⁶ Editor's Note: Subsection (44) respecting every taxicab broker was repealed by By-law 575-2016 effective July 14, 2016. By-law 575-2016 also enacted (new) Chapter 546, Licensing of Vehicles-For-Hire.

⁶⁷ Editor's Note: By-law 492-2024 came into force on January 1, 2025.

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- (46) Reserved.⁶⁸
- (47) Reserved.⁶⁹
- (48) Reserved.⁷⁰
- (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 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) Reserved.⁷¹
- (51) Every chimney repairman.
- (52) Every person engaged in the business of altering, repairing or renovating buildings or structures or constructing radiation fallout structures, other than building contractors whose principal business is the construction of buildings or structures.
- (53) Every building cleaner.
- (54) Reserved.⁷²
- (55) Every owner, operator or designated manager of an adult entertainment club.
[Amended 2013-02-21 by By-law 243-2013⁷³; 2013-05-10 by By-law 620-2013⁷⁴]

⁶⁸ Editor's Note: Subsections (46), respecting persons who own or keep a trailer camp was deleted October 2, 2015 by By-law 973-2015.

⁶⁹ Editor's Note: Subsection (47) respecting every owner and every driver of a tow truck was deleted by By-law 970-2023, which came into force on January 1, 2024.

⁷⁰ Editor's Note: Subsection (48) respecting persons who own or keep a trailer, except in trailer camp was deleted October 2, 2015 by By-law 973-2015.

⁷¹ Editor's Note: By-law 492-2024 came into force on January 1, 2025.

⁷² Editor's Note: Subsection (54) respecting special sales was deleted October 2, 2015 by By-law 973-2015.

⁷³ Editor's Note: By-law 243-2013 came into effect February 1, 2013.

⁷⁴ Editor's Note: By-law 620-2013 came into effect July 1, 2013.

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- (56) Every entertainer at an adult entertainment club. [**Amended 2013-02-21 by By-law 243-2013⁷⁵; 2013-05-10 by By-law 619-2013**]
- (57) Every owner and every driver of a pedicab used or kept for hire.
- (58) Every owner of a holistic centre.
- (59) Every person, other than a person licensed pursuant to Subsection A(58) hereof, who provides or offers holistic services.
- (60) Every private parking enforcement agency.
- (61) Reserved.⁷⁶
- (62) Reserved.⁷⁷
- (63) Reserved.⁷⁸
- (64) Every temporary sign provider. [**Added 2005-07-21 by By-law 698-2005⁷⁹**]
- (65) Every owner of an entertainment establishment/nightclub. [**Added 2006-02-02 by By-law 20-2006**]
- (66) Reserved.⁸⁰
- (67) Every operator of a clothing drop box. [**Added 2006-09-27 by By-law 800-2006⁸¹**]
- (68) Every driveway paving contractor. [**Added 2011-05-19 by By-law 688-2011⁸²**]
- (69) Every person who owns or operates a personal services setting. [**Added 2013-05-10 by By-law 629-2013⁸³**]
- (70) Every operator of a commercial parking lot. [**Added 2015-07-09 by By-law 804-2015⁸⁴**]

⁷⁵ Editor's Note: By-law 243-2013 came into effect February 1, 2013.

⁷⁶ Editor's Note: The Province of Ontario has passed the Traditional Chinese Medicine Act, 2006, S.O. 2006 c. 27, to regulate the practice of Traditional Chinese Medicine and Acupuncture as a Regulated Health Profession, which removed the need for municipal regulation of these professions. Article XXXVIII was repealed July 14, 2011 by By-law 982-2011

⁷⁷ Editor's Note: The Province of Ontario has passed the Traditional Chinese Medicine Act, 2006, S.O. 2006, c. 27, to regulate the practice of Traditional Chinese Medicine and Acupuncture as a Regulated Health Profession, which removed the need for municipal regulation of these professions. Article XXXVIII was repealed July 14, 2011 by By-law 982-2011

⁷⁸ Editor's Note: Subsection (63) respecting every limousine service company was repealed by By-law 575-2016 effective July 14, 2016. By-law 575-2016 also enacted (new) Chapter 546, Licensing of Vehicles-For-Hire.

⁷⁹ Editor's Note: This by-law stated that it comes into force 60 days after enactment, September 20, 2005.

⁸⁰ Editor's Note: Subsection (66) respecting every owner and driver of a limousine was repealed by By-law 575-2016 effective July 14, 2016. By-law 575-2016 also enacted (new) Chapter 546, Licensing of Vehicles-For-Hire.

⁸¹ Editor's Note: This by-law came into force January 1, 2007.

⁸² Editor's Note: This by-law came into force July 4, 2011.

⁸³ Editor's Note: By-law 629-2013 came into force July 1, 2013.

⁸⁴ Editor's Note: By-law 804-2015 came into force September 1, 2015.

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- (71) Every person or entity who is required to hold a licence as a lender or a loan broker under the Payday Loans Act, 2008. **[Added 2018-04-27 by By-law 526-2018]**
- (72) Every person who operates an eating or drinking establishment. **[Added 2024-05-23 by By-law 492-2024⁸⁵]**
- (73) Every person who operates an expanded activity eating or drinking establishment. **[Added 2024-05-23 by By-law 492-2024⁸⁶]**
- (74) Every person who operates a take-out or retail food establishment. **[Added 2024-05-23 by By-law 492-2024⁸⁷]**
- (75) Every person who operates an entertainment place of assembly. **[Added 2024-05-23 by By-law 492-2024⁸⁸]**
- (76) Every person who operates an expanded activity entertainment place of assembly. **[Added 2024-05-23 by By-law 492-2024⁸⁹]**
- (77) Every person who operates an amusement establishment. **[Added 2024-05-23 by By-law 492-2024⁹⁰]**

B. Reserved.⁹¹

§ 545-3. Toronto Licensing Tribunal.

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

A. Name.

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

B. Reserved.⁹²

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

⁸⁵ Editor's Note: By-law 492-2024 came into force on January 1, 2025.

⁸⁶ Editor's Note: By-law 492-2024 came into force on January 1, 2025.

⁸⁷ Editor's Note: By-law 492-2024 came into force on January 1, 2025.

⁸⁸ Editor's Note: By-law 492-2024 came into force on January 1, 2025.

⁸⁹ Editor's Note: By-law 492-2024 came into force on January 1, 2025.

⁹⁰ Editor's Note: By-law 492-2024 came into force on January 1, 2025.

⁹¹ Editor's Note: Subsection (B) respecting applicability to owners and drivers of cabs was repealed by By-law 575-2016 effective July 14, 2016. By-law 575-2016 also enacted (new) Chapter 546, Licensing of Vehicles-For-Hire.

⁹² Editor's Note: Subsection 545-3B was deleted December 18, 2019 by By-law 1797-2019.

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time by City Council, which outlines the roles and responsibilities of the stakeholders in the licensing hearing process.

D. Business meetings.

- (1) The Chair of the Toronto Licensing Tribunal shall convene at least two business meetings of the Toronto Licensing Tribunal every year for the purposes of:
 - (a) Reviewing the operation of the Toronto Licensing Tribunal;
 - (b) Making decisions regarding administrative matters, procedural policies and the content of the Annual Report required by Subsection E;
 - (c) Discussing emerging policy issues relating to Toronto Licensing Tribunal hearings; and
 - (d) Discussing any other matters pertinent to the effective operation of the Toronto Licensing Tribunal.
- (2) All business meetings shall have a formal agenda, be recorded via meeting minutes and be open to the public.
- (3) Public notice of the Toronto Licensing Tribunal's business meetings shall be given by posting the notice on the notices page of the City of Toronto's web site for at least 10 days immediately preceding the business meeting.
- (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 General Government and Licensing Committee or its successor, and the report shall include:
[Amended 2019-01-31 by By-law 255-2019⁹³]

- (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;

⁹³ Editor's Note: By-law 255-2019 is deemed to have come into effect on December 13, 2018.

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- (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.

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

K. Support to the Tribunal.

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

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§ 545-3.1. Licences, application, and renewals; application requirements for corporations and partnerships.

[Added 2019-12-18 by By-law 1797-2019; Amended 2024-05-23 by By-law 492-2024⁹⁴]

A. Completion of application forms and required documents.

- (1) On an application for a licence, or renewal of a licence, respecting any of the businesses or occupations mentioned in § 545-2A, a person authorized to bind the applicant shall complete the prescribed forms and shall furnish to the Municipal Licensing and Standards Division such information as the Executive Director may direct, together with all applicable fees.
- (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 licence fee payment required by Subsection A(2) shall, if the licence is not granted, be returned to the applicant.

A.1. Where the applicant for a licence respecting any of the businesses or occupations mentioned in § 545-2A is a corporation, a person authorized to bind the corporation shall submit with the application: **[Added 2024-05-23 by By-law 492-2024⁹⁵]**

- (1) A copy of the corporation's letters of incorporation or other incorporating document;
- (2) A corporate profile report or similar official document that shows the current legal status of the corporation;
- (3) An annual return in a form supplied by the Municipal Licensing and Standards Division that may require, among other things, a declaration of the controlling interest in the corporation and a list of all shareholders and classes of shareholders of the corporation; and
- (4) Any other information or documents that the Executive Director may require to understand the management and ownership structure of the corporation.

A.2. Where the applicant for a licence respecting any of the businesses or occupations mentioned in § 545-2A is a partnership, a person authorized to bind the partnership shall

⁹⁴ Editor's Note: By-law 492-2024 came into force on January 1, 2025.

⁹⁵ Editor's Note: By-law 492-2024 came into force on January 1, 2025.

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submit with the application a declaration stating the following: **[Added 2024-05-23 by By-law 492-2024⁹⁶]**

- (1) The name and address of every partner of the partnership;
 - (2) The name(s) under which the partnership carries on business;
 - (3) That the partners listed in the declaration are the only members of the partnership; and
 - (4) The mailing address for the partnership.
- A.3. Where the applicant for a licence respecting any of the businesses or occupations mentioned in § 545-2A is a corporation and shares in the corporation are owned in whole or in part by another corporation, or is a partnership and any member of the partnership is itself a corporation, the applicant shall, upon request by the Municipal Licensing Standards Division, submit an annual return for the non-applicant corporation and such other information or documents that the Executive Director may require to understand the management and ownership structure of the non-applicant corporation and any further related corporations that are identified. **[Added 2024-05-23 by By-law 492-2024⁹⁷]**
- A.4. Where the applicant for the renewal of a licence respecting any of the businesses or occupations mentioned in § 545-2A is a corporation or a partnership, a person authorized to bind the corporation or partnership shall submit updated versions of any of the information or documents required by §§ 545-3.1A.1, 545-3.1A.2, and 545-3.1A.3 if requested to do so by the Municipal Licensing and Standards Division. **[Added 2024-05-23 by By-law 492-2024⁹⁸]**
- B. Where a business or occupation referred to in § 545-2A is carried on by multiple persons, the licence may be issued to the applicant only, but, those persons shall be required to provide their names and addresses, and shall be required to acknowledge that they may be held jointly and severally responsible for each other's actions regarding the business.
- C. Municipal Licensing and Standards Division shall, upon receipt of an application for a licence or its renewal, investigate as necessary with respect to the application and shall:
- (1) If there are reasonable grounds to believe that the applicant may not be entitled to the issuance or renewal of a licence based on § 545-4, or by reason of any other provision of this chapter, send notice of this fact to the applicant by mail or email at the address as shown on the application form; or
 - (2) Subject to the provisions of this chapter, issue or renew the licence.
- D. A notice sent in accordance with Subsection C(1) shall include:

⁹⁶ Editor's Note: By-law 492-2024 came into force on January 1, 2025.

⁹⁷ Editor's Note: By-law 492-2024 came into force on January 1, 2025.

⁹⁸ Editor's Note: By-law 492-2024 came into force on January 1, 2025.

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- (1) A statement that the applicant may request a hearing of the application before 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; and
 - (2) A statement that if no hearing request is delivered, the application will be denied.
 - (3) Where the Municipal Licensing and Standards Division receives a hearing request for a hearing from an applicant in accordance with Subsection D(1), the application shall be referred promptly to the Toronto Licensing Tribunal for a hearing.
- E. If an applicant has applied for renewal of the licence and has remitted all applicable fees, the licence shall be deemed to continue:
- (1) Until the renewal is granted; or
 - (2) If the licensee is sent a notice under Subsection C(1), until the time for requesting a hearing has expired or, where a hearing has been requested, until the Toronto Licensing Tribunal has disposed of the application.
- F. The Executive Director may issue and renew licences on a multi-year basis and require the payment of corresponding multi-year licensing fees.
- G. Validity of endorsements.
- (1) Where a person holding a licence under this chapter is issued an endorsement to permit additional business activity under the licence, that business activity shall be started within 60 days of the issuance of the endorsement and carried on continuously afterward.
 - (2) In the event that the relevant business activity is not started as required by this section 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 by this chapter.
 - (3) No person shall obtain or use an endorsement except as required by this section.

§ 545-4. Grounds and administrative thresholds for denial of licence.

[Amended 2019-12-18 by By-law 1797-2019⁹⁹]

- A. An applicant for a licence or for the renewal of a licence, is, subject to the provisions of this chapter, entitled to the licence or renewal, except where:

⁹⁹ Editor's Note: By-law 1797-2019 deleted former § 545-4. "Licences, applications and renewals" in its entirety and replaced it with a new § 545-4. "Grounds and administrative thresholds for denial of licence".

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- (1) The conduct of the applicant affords reasonable grounds to believe that the applicant has not carried on, or will not carry on, the business in accordance with law and with integrity and honesty; or
 - (2) There are reasonable grounds to believe that the carrying on of the business by the applicant has resulted, or will result, in a breach of this chapter or any law; or
 - (3) The applicant is a corporation and its conduct or the conduct of its officers, directors, employees, or agents affords reasonable grounds to believe that its business has not been, or will not be, carried on in accordance with law and with integrity and honesty; or
 - (4) There are reasonable grounds to believe that the premises, 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
 - (5) The conduct of the applicant or other circumstances afford reasonable grounds to believe 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, their health or safety.
- B. In addition to the grounds set out in Subsection A, Municipal Licensing and Standards Division shall refuse to issue or renew a licence where an applicant has not met the screening criteria.
- C. Where an applicant is a corporation or a partnership, Subsection B shall apply to any of the officers or directors of the corporation or partners in the partnership.

§ 545-5. General licence issuance provisions.

[Amended 2019-12-18 by By-law 1797-2019¹⁰⁰]

- A. Notwithstanding any decision of or statement by the Toronto Licensing Tribunal, the Executive Director, or any employee of the Municipal Licensing and Standards Division, no person shall be licensed to carry on or engage in a business for which a licence is required until he or she has paid all applicable fees in respect of such licence and has received the physical licence, plate, or other evidence of the licence provided for in this chapter.
- B. The Executive Director shall approve the form of and sign or mechanically reproduce his or her signature on all licences issued under this chapter.
- C. Validation stickers.

¹⁰⁰ Editor's Note: By-law 1797-2019 deleted former § 545-5. "General provisions" in its entirety and replaced it with a new § 545-5. "General licence issuance provisions".

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- (1) Where this chapter provides for a plate bearing an identifying number to be issued 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 the licence is issued.
- (2) A plate with a validation sticker affixed to it in accordance with 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 C(1):
 - (a) Every person to whom such a class of licence is issued shall:
 - [1] Obtain such sticker from the Municipal Licensing and Standards Division at the time such licence is issued;
 - [2] Affix the sticker to the top right-hand corner of the plate issued by the Municipal Licensing and Standards Division for the vehicle in respect of which the licence is issued; and
 - [3] Maintain the sticker on the plate throughout the period for which the licence is valid.
 - (b) The use of a plate that does not bear a validation sticker as required by this section shall be deemed to be a breach of any provision of this chapter that requires a plate to be affixed to or maintained on a vehicle.

D. Licence to be posted on premises or carried by licensee.

- (1) Every person obtaining a licence under this chapter that applies to premises shall post their licence in a conspicuous place on the premises in respect of which the licence is issued, and shall produce it for inspection when asked by the Municipal Licensing and Standards Division.
- (2) Every person obtaining a licence under this chapter that applies to their occupation shall carry such licence with him or her when engaged in the occupation for which the licence is issued, and shall produce it for inspection when asked by the Municipal Licensing and Standards Division.

E. Licences non-transferable; advertisement of alternate business name prohibited.

- (1) No person shall enjoy a right in the continuance of a licence and at all times the value of a licence shall be the property of the City.
- (2) No licence shall be transferred except in accordance with this chapter.
- (3) No person licensed under this chapter shall advertise, promote, or carry on business under any name other than that endorsed upon their licence.

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- F. Any licence holder who changes his or her address shall, within 48 hours after such change, notify the Municipal Licensing and Standards Division of their new address and, if requested by the Executive Director, attend at the Municipal Licensing and Standards Division's offices and produce his or her licence for the change to be entered on it.
- G. 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 a fee.
- H. 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 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 for the purpose of receiving or taking the licence, plate, or other such evidence, and no person shall in any way prevent or hinder the receiving or taking of same.
- I. Notice of the revocation of any licence may be given by the Municipal Licensing and Standards Division by written communication to the licensee at the address provided by the licensee, and upon such notice, the licence revoked shall terminate and be of no further effect.
- J. A corporation or partnership that holds a licence under this chapter shall immediately notify the Municipal Licensing and Standards Division in writing of any change to the controlling interest in the corporation or membership of the partnership. **[Added 2024-05-23 by By-law 492-2024¹⁰¹]**

§ 545-6. Term and renewal of licences.

[Amended 2019-12-18 by By-law 1797-2019¹⁰²]

- A. All licences issued under this chapter shall be valid for one year and renewed on the anniversary of the date upon which the licence was first issued or, where a person holds more than one licence, the Executive Director may allow for the harmonization of renewal dates.
- B. A person may apply to renew a licence issued under this chapter by submitting an application to the Municipal Licensing and Standards Division in a form and manner approved by the Executive Director together with all applicable fees.
- C. At any time, the Municipal Licensing and Standards Division may require the holder of a licence to file with Municipal Licensing and Standards Division documentary evidence that the applicant satisfies the requirements of this chapter.

¹⁰¹ Editor's Note: By-law 492-2024 came into force on January 1, 2025.

¹⁰² Editor's Note: By-law 1797-2019 deleted § 545-6. "Toronto Licensing Tribunal hearings" in its entirety and replaced it with a new § 545-6. "Term and renewal of licences".

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- D. Where persons holding a licence issued under this chapter fails to apply for renewal of their licence by the date set out in Subsection A, they shall pay a late renewal administration fee in addition to the annual licence fee.
- E. Where a person holding a licence issued under this chapter fails to renew it within 90 days of the specified renewal date, the licence shall be cancelled and the person shall be required to apply for a new licence under this chapter and pay all applicable fees.
- F. Where a person licensed under this chapter fails to renew his or her licence in accordance with this section, any plate issued or supplied in respect of such licence shall be returned to and remain with the Municipal Licensing and Standards Division until the licence is renewed.
- G. Despite Subsections D and E, with respect only to licences issued under this chapter that expire in 2021, no person shall be required to pay a late renewal administration fee, but where a person holding such licence fails to renew it within 150 days of the specified renewal date, the licence shall be cancelled and the person shall be required to apply for a new licence under this chapter and pay all applicable fees. **[Added 2021-05-06 by By-law 396-2021]**
- H. Where a corporation or partnership holds a licence related to a holistic centre, body-rub parlour, adult entertainment club, or private parking enforcement agency and the controlling interest in the corporation or membership of the partnership has changed, the corresponding licence shall immediately be cancelled and the corporation or partnership shall be required to apply for a new licence. **[Added 2024-05-23 by By-law 492-2024¹⁰³]**

§ 545-7. Municipal Licensing and Standards Division authority to refer matters to the Toronto Licensing Tribunal.

[Added 2019-12-18 by By-law 1797-2019¹⁰⁴]

At any time, 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 under this chapter, including 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 screening criteria.

¹⁰³ Editor's Note: By-law 492-2024 came into force on January 1, 2025.

¹⁰⁴ Editor's Note: By-law 1797-2019 renumbered former § 545-7. "Offences" as § 545-8.5, and enacted a new § 545-7. "Municipal Licensing and Standards Division authority to refer matters to the Toronto Licensing Tribunal".

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§ 545-8. Toronto Licensing Tribunal mandate.

[Amended 2019-12-18 by By-law 1797-2019¹⁰⁵]

A. Mandate of the Toronto Licensing Tribunal.

- (1) The Toronto Licensing Tribunal is created as a quasi-judicial adjudicative body empowered to hear evidence and submissions and make independent decisions and shall 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 to determine whether a licence under this chapter should be issued, refused, suspended, revoked, or have conditions placed upon it.
- (3) This chapter sets out City Council's objectives with respect to licensing matters, and the Toronto Licensing Tribunal shall:
 - (a) Uphold the spirit and intent of the Municipal Code;
 - (b) Determine whether or to what extent an applicant or licensee meets the requirements of the Municipal Code in view of their individual circumstances and qualifications;
 - (c) Have regard for the need to balance the protection of the public interest with the need for licensees to make a livelihood; and
 - (d) Ensure the hearing process is accessible and transparent and that hearings are conducted in a timely manner with due process.

§ 545-8.1. Toronto Licensing Tribunal hearings.

[Added 2019-12-18 by By-law 1797-2019]

- A.** The Toronto Licensing Tribunal shall consider matters referred to it at a public hearing.
- B.** The Toronto Licensing Tribunal shall not be bound by the screening criteria, provided that it shall be required to report, within a reasonable period of time, to the General Government and Licensing Committee, setting out the basis for:
- (1) A decision to issue or renew a licence refused by the Municipal Licensing and Standards Division for failure to comply with the screening criteria; or

¹⁰⁵ Editor's Note: By-law 1797-2019 deleted § 545-8. "Transitional provisions" in its entirety and replaced it with a new § 545-8. "Toronto Licensing Tribunal mandate".

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- (2) A decision not to attach conditions, revoke, or suspend a licence as recommended by the Municipal Licensing and Standards Division for failure to comply with the screening criteria.
- C. The Toronto Licensing Tribunal may, for any of the reasons set out in § 545-4:
 - (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 that has been commenced is adjourned for any reason, pending its final disposition.
- D. Conditions on licences.
 - (1) Despite Subsection C, 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) 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 Tribunal may:
 - (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 are authorized by law.
- E. Prior notice of hearing; recording of proceedings.
 - (1) The Municipal Licensing and Standards Division shall give the licensee or applicant at least seven days' notice of a hearing before the Toronto Licensing Tribunal which shall be delivered to the last address on file with the Municipal Licensing and Standards Division.
 - (2) The proceedings of the Toronto Licensing Tribunal shall be taken down and recorded by a court reporter.

§ 545-8.2. Municipal Licensing and Standards Division authority to inspect premises and items.

[Added 2019-12-18 by By-law 1797-2019]

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- A. The Municipal Licensing and Standards Division and any person authorized by the Executive Director may at all reasonable times inspect any premises or vehicle used for the carrying on of any business in respect of which a person is licensed or required to be licensed under this chapter, and may inspect any items relating to such business.
- B. No person who has or is required to have a licence under this chapter shall obstruct or permit the obstruction of an inspection under this chapter.

§ 545-8.3. Municipal Licensing and Standards Division authority to suspend licences without a hearing.

[Added 2019-12-18 by By-law 1797-2019]

- A. If the Executive Director is satisfied that the continuation of a business or occupation licenced under this chapter poses an immediate danger to the health or safety of any person or any property, the Executive Director may suspend the licence without a hearing on conditions it considers appropriate, subject to the following:
 - (1) Before suspending the licence, the Executive Director shall provide the licensee with reasons for the suspension, either orally or in writing, and an opportunity to respond to them.
 - (2) The suspension shall not exceed 14 days.

§ 545-8.4. General provisions applicable to all licensees.

[Added 2019-12-18 by By-law 1797-2019]

- A. No person licensed, or required to be licensed, under this chapter shall discriminate against any member of the public in the carrying on of the business on the basis of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status, or disability.
- B. No person licensed, or required to be licensed, under this chapter shall, in respect of any person with a disability being accompanied by a service animal, by reason only of the presence of the service animal:
 - (1) Refuse to serve the person;
 - (2) Refuse to permit the person and service animal to enter any place, premises, vehicle, or thing to which the licence relates; or
 - (3) Refuse to permit the person and service animal to remain in or upon such place, premises, vehicle, or thing.
- C. No person licensed, or required to be licensed, under this chapter shall permit any person, including him or herself, to use a hookah or smoke, which shall include the carrying of a

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lit cigar, cigarette, pipe, or any other lit smoking equipment, in or upon any premises, vehicle, or thing to which the licence relates.

D. 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, or required to be licensed, under this chapter shall 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 or such person's participation in the exercise of City Council's authority to enact by-laws to license, regulate, and govern businesses in Toronto.
- (3) No person licensed, or required to be licensed, under this chapter shall, 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.

E. 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 screening criteria, the licensee shall immediately contact and advise the Municipal Licensing and Standards Division of the nature and extent of the violation.

F. Failure to provide the notice referred to in Subsection F may independently result in the suspension of the licence-holder's licence.

G. Without limiting §§ 545-498 and 545-506, every person licensed or required to be licensed under this chapter shall maintain the public sidewalks, curbs, and gutters surrounding their business premises free from garbage, cigarette butts, cigar tips, littered electronic cigarettes, and any other waste. **[Amended 2024-05-23 by By-law 492-2024¹⁰⁶]**

H. Every person who has or is required to have a licence under this chapter shall provide the Municipal Licensing and Standards Division with the information or documents required by this chapter. **[Amended 2024-05-23 by By-law 492-2024¹⁰⁷]**

I. 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

¹⁰⁶ Editor's Note: By-law 492-2024 came into force on January 1, 2025.

¹⁰⁷ Editor's Note: By-law 492-2024 came into force on January 1, 2025.

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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 from it; provided that this section shall not apply to a person who exhibits such show or performance or sell 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.

- J. Every person licensed or required to be licensed under this chapter shall keep their business premises clean, orderly, suitably lighted, and well-ventilated during opening hours. **[Added 2024-05-23 by By-law 492-2024¹⁰⁸]**

§ 545-8.4.1. Reserved.¹⁰⁹

§ 545-8.5 Offences.

[Amended 2019-12-18 by By-law 1797-2019¹¹⁰; 2024-05-23 by By-law 492-2024¹¹¹]

- 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 \$100,000.
- B. Where a corporation is convicted of an offence under Subsection A, the maximum penalty that may be imposed on the corporation is \$100,000.
- 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 \$100,000.
- 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 \$100,000 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 \$100,000.
- F. Every offence under this chapter is designated as a continuing offence and is subject to, for each day or part of a day that the offence continues, a maximum fine of no more than \$10,000. **[Added 2024-05-23 by By-law 492-2024¹¹²]**

¹⁰⁸ Editor's Note: By-law 492-2024 came into force on January 1, 2025.

¹⁰⁹ Editor's Note: By-law 676-2021, enacted on July 16, 2021, deleted Section 545-8.4.1. COVID-19 measures.

¹¹⁰ Editor's Note: Section 545-7 "Offences" was renumbered as § 545-8.5 by By-law 1797-2019.

¹¹¹ Editor's Note: By-law 492-2024 came into force on January 1, 2025.

¹¹² Editor's Note: By-law 492-2024 came into force on January 1, 2025.

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- G. In addition to the fine or fines provided for in this section, every person who contravenes this chapter shall be liable to a special fine in an amount equal to the economic advantage or gain from the offence. [Added 2024-05-23 by By-law 492-2024¹¹³]

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.¹¹⁴

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

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.

§ 545-10. Types of licences.

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

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

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

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

§ 545-12. Requirements of instructors.

- A. Every instructor shall:
 - (1) Be of the full age of 18 years or over.
 - (2) Be the holder of an instructor's licence issued pursuant to the *Highway Traffic Act*.
 - (3) Be fluent in reading and speaking the English language.
 - (4) Submit with his or her application for a licence two photographs of himself or herself, one of such photographs to be attached to the licence and the other to be filed with the Municipal Licensing and Standards Division; and shall, when

¹¹³ Editor's Note: By-law 492-2024 came into force on January 1, 2025.

¹¹⁴ Editor's Note: The definitions of "Driving School Operator" and "Instructor" were deleted December 18, 2019 by By-law 1797-2019.

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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) Reserved¹¹⁵
- (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 Municipal Licensing and Standards Division.
[Amended 2003-04-16 by By-law 248-2003¹¹⁶]

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

¹¹⁵ Editor's Note: Subsection 545-12A(5) was deleted December 18, 2019 by By-law 1797-2019.

¹¹⁶ Editor's Note: The increased insurance amount enacted by this by-law is effective for each licensed vehicle or business on the next insurance policy renewal date for that vehicle or business following the date on which this by-law comes into force; this by-law comes into force June 1, 2003.

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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.
- (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.

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- (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.
- (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.

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- (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,

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address and telephone number of the operator and which sign must not obstruct the clear view of the plate referred to in Subsection B(4) hereof.

- (c) Any other number, sign, card or plate issued or approved under this chapter.
- (8) Use or permit to be used in his or her business any vehicle bearing any number, sign, card or plate other than those mentioned in Subsection B(7) above.
- (9) Enter into an agreement for driving instruction with any person not the holder of a current Ontario driving instructor's licence or a current temporary Ontario driving instructor's licence.
- (10) Cause or permit driving instruction to be given during the first hour of practical training on any primary traffic artery, main highway route or heavily travelled thoroughfare.

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

No instructor shall be employed by more than one operator at a time, and upon ceasing employment with one operator and commencing employment with another operator every such instructor shall attend in person at the offices of the Municipal Licensing and Standards Division within 48 hours of his or her change of employment and give the name and address of his or her new employer.

§ 545-15. Areas where driving instructions prohibited.

A. No instructor shall give driving instructions:

- (1) In any public park in the City of Toronto;
- (2) Upon any street abutting a school or playground, which, together with the adjoining streets, forms the block in which such school or playground is situated;
- (3) The area bounded on the north by Finch Avenue West, on the west by Jane Street, on the south by Highway 401 and on the east by Bathurst Street; [**Amended 2005-02-03 by By-law 46-2005**]
- (4) Upon any street in the area bounded on the north by Highway 401, on the west by Leslie Street, on the east by Kennedy Road, and on the south by Eglinton Avenue East;
- (5) Upon any street in the area bounded on the west by Meadowvale Road, on the east by the municipal boundary, on the north by Finch Avenue East, and on the south by Lawrence Avenue East; [**Amended 2008-07-17 by By-law 843-2008**]
- (6) Upon any street in the area bounded on the north by Eglinton Avenue West, on the west by the Etobicoke Creek (the Toronto-Mississauga border), on the south by Bloor Street West and on the east by Highway 427; and

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- (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.¹¹⁷

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

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

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

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

§ 545-18. Display of identification of driver.

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

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

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

¹¹⁷ Editor's Note: The definitions of "Driver", "Owner", "Passenger" and "To Solicit" were deleted December 18, 2019 by By-law 1797-2019.

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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. Where a pedicab is a large quadricycle, every owner shall, in respect of each pedicab that is a large quadricycle for which a licence is held, obtain, maintain and pay for a liability insurance policy to cover the offering and operating of each such pedicab for hire with a limit of not less than \$2 million combined bodily injury, death and property damage, exclusive of costs and interest, for any one accident or occurrence. **[Amended 2022-06-16 by By-law 600-2022]**
- 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.

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§ 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.

§ 545-27. Maximum number of passengers.

- A. Except where a pedicab is a large quadricycle, 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 their designate. **[Amended 2024-05-23 by By-law 526-2024]**
- 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.
- C. Where a pedicab is a large quadricycle, no owner or driver shall permit the number of passengers to exceed the number of passenger seats available. **[Added 2024-05-23 by By-law 526-2024]**

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§ 545-28. Appearance and behaviour of drivers.

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

§ 545-28.1. No aggressive solicitation.

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

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

§ 545-29. No pedicabs on sidewalks.

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

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

§ 545-29.1. Operation of pedicabs on streets.

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

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

§ 545-29.2. Restricted areas.

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

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

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

§ 545-29.3. Large quadricycles routes.

[Added 2022-06-16 by By-law 600-2022; Amended 2024-05-23 by By-law 526-2024]

- A. In addition to the roadways listed under § 545-29.2, the General Manager of the Transportation Services Division or their designate may create or amend and shall publicly post a list of roadways on which large quadricycles are prohibited, based on the

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General Manager's or designate's opinion of whether the operation of large quadricycles on the roadway could cause or contribute to traffic management problems.

- B. To apply for a large quadricycle owner or driver licence or its renewal, every applicant shall submit a proposed route map to the General Manager of the Transportation Services Division or their designate for certification that the proposed route complies with this Chapter and the list of prohibited roadways established pursuant to Subsection A.
- C. Where a large quadricycle owner or driver wishes to amend the route map certified under Subsection B, they shall submit a revised route map to the General Manager of the Transportation Services Division or their designate for certification that the revised route complies with this Chapter and the list of prohibited roadways established pursuant to Subsection A.
- D. The General Manager of the Transportation Services Division or their designate shall not certify a proposed or revised route map submitted pursuant to Subsection A or B if it includes:
 - (1) Any road with a designated speed limit greater than 40 kilometres per hour under Chapter 950, Traffic and Parking, Schedule XXXV – Speed Limits on Public Highways;
 - (2) More than one consecutive block of travel on Yonge Street;
 - (3) More than one consecutive block of travel on Bloor Street or Danforth Avenue;
 - (4) Any lefthand turn at an unsignalized intersection where at least one of the intersecting roads is an arterial road; or
 - (5) Any straight-through movement at an unsignalized intersection where the road crossed is an arterial road.
- E. The General Manager of the Transportation Services Division or their designate may immediately revoke or suspend the certification of a route map if:
 - (1) It does not comply or no longer complies with the list of prohibited roadways established pursuant to Subsection A;
 - (2) In the opinion of the General Manager of Transportation Services or their designate, the operation of large quadricycles in accordance with the route map could cause or contribute to traffic management problems; or
 - (3) The owner or driver of the large quadricycle has been repeatedly convicted of offences under the Toronto Municipal Code.
- F. No owner or driver of a large quadricycle shall operate their vehicle except in accordance with the route map certified under this section.

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

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

§ 545-31. "Slow moving vehicle" sign.

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

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

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

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

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§ 545-33. Schedule of rates.

[Amended 2004-12-02 by By-law 1049-2004; 2005-06-16 by By-law 512-2005; 2008-03-05 by By-law 219-2008; 2024-05-23 by By-law 526-2024]

Except where a pedicab is a large quadricycle, no owner or driver of a pedicab shall calculate fares on any basis other than time.

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

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

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

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

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

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

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

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

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

ARTICLE IV
Refreshments Sold from Vehicles

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

- A. Every owner, operator and driver of, and every employee in, a vehicle from which refreshments (other than those described in § 545-39) are sold for consumption by the public shall observe and comply with the following regulations or cause the same to be observed and complied with: **[Amended 2013-12-18 by By-law 1730-2013]**

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- (1) The vehicle from which the refreshments are sold shall be of a type approved by the Municipal Licensing and Standards Division, provided that the Municipal Licensing and Standards Division shall not approve any such vehicle which is not a motor vehicle, unless such vehicle is capable of being moved from place to place by any person using it pursuant to a trade, business or occupation.
 - (2) All condiments, milk, cream and sugar shall be dispensed from containers approved by the Municipal Licensing and Standards Division.
 - (3) Reserved.¹¹⁸
 - (4) Every person selling or handling refreshments shall wear clean clothes, be clean and neat in appearance, and shall have clean hands. **[Amended 2006-07-27 by By-law 678-2006¹¹⁹]**
 - (5) The vehicle and all parts and equipment thereof for use in the dispensing of refreshments shall at all times be kept in a clean and sanitary condition and in good repair.
 - (6) Reserved.
 - (7) All sandwiches, cakes, doughnuts, hot dogs, hamburgers, pies and other similar foods shall be wrapped and sold in individual servings.
 - (8) The date of preparation shall be clearly and legibly marked as such on or affixed to the wrapper of all sandwiches sold from the vehicle.
 - (9) No prepared foods other than those kept in unopened cans shall be sold more than 24 hours after their preparation.
 - (10) Reserved.
 - (11) All refreshments sold from the vehicle shall be clean, fresh and wholesome.
- B. No owner to whom this section relates shall permit or allow any person other than a licensed driver employed by the owner to operate any refreshment vehicle (other than a coffee truck) or any person other than a licensed driver or other employee of the owner to assist in the sale of refreshments from the vehicle. **[Amended 2011-04-13 by By-law 518-2011¹²⁰; 2013-12-18 by By-law 1730-2013]**
- C. Reserved.¹²¹
- D. Every owner, operator and driver of, and every employee in, a motor vehicle to which this article relates shall comply with, or cause to be complied with, the following regulations: **[Amended 2013-12-18 by By-law 1730-2013]**

¹¹⁸ Editor's Note: Subsections 545-38A(3), (6) and (10) were deleted by By-law 393-2014.

¹¹⁹ Editor's Note: This by-law provided that it comes into force September 1, 2006.

¹²⁰ Editor's Note: This by-law provided that it is deemed to have come into force January 27, 2010.

¹²¹ Editor's Note: Subsection 545-38(C) was deleted by By-law 393-2014.

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- (1) The owner of a vehicle shall at all times display in such vehicle in a conspicuous place accessible to the public a copy of all regulations contained in this section, together with the licence for the said vehicle.
 - (2) The body, doors and windows of such vehicle shall be of sufficiently sound construction to provide reasonable protection against dust, dirt, flies and other injurious matter or things.
 - (3) The interior of the vehicle shall be of a light colour and shall be repainted or refinished as often as required by the Municipal Licensing and Standards Division.
 - (4) The floor of such vehicle shall be of a suitable impervious material, free of holes, cracks or crevices, and the surface thereof shall be readily washable and shall be kept clean and in good condition.
 - (5) The storage shelves therein shall be painted or covered with suitable impervious materials.
 - (6) The vehicle shall have painted in contrasting colour on both side panels in letters and figures at least 10 centimetres high the name and business address of the owner thereof; and below such name and address in letters at least 6.3 centimetres high the words "Toronto Licence" followed by the licence number of such vehicle in figures at least 15 centimetres high.
 - (7) The vehicle shall be equipped with either a metal waste container with a self-closing lid which shall be kept at all times in a clean and sanitary condition and emptied at least once daily, or a disposable litter container which shall be replaced daily; and such containers shall be used for the disposal of all waste. **[Amended 2017-04-28 by By-law 426-2017¹²²]**
- 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;

¹²² Editor's Note: By-law 426-2017 came into force May 1, 2017.

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- (2) Notify the Municipal Licensing and Standards Division forthwith of any change in such source of supply; and
 - (3) Refrain from selling or permitting to be sold from the vehicle any refreshments from a source of supply other than that specified by him or her to the Municipal Licensing and Standards Division.
- I. Every owner of a refreshment vehicle shall for each such vehicle procure a policy of insurance endorsed to the effect that the Municipal Licensing and Standards Division shall be given at least 10 days' notice in writing of any cancellation, expiration or variation in the amount of the policy and insuring in at least the amount of \$1,000,000 (exclusive of interest and costs) comprehensive against loss or damage resulting from bodily injury to or death of one or more persons, or from loss of or damage to property resulting from any one accident. A certified copy or certificate of such policy shall be deposited with the Municipal Licensing and Standards Division. **[Amended 2003-04-16 by By-law 248-2003¹²³]**
- J. Every owner, operator, driver of, and every employee in, a vehicle to which this article relates, other than a motor vehicle, shall observe and comply with the following regulations or cause the same to be observed and complied with: **[Amended 2013-12-18 by By-law 1730-2013]**
- (1) At the time of application for an owner's licence, the applicant shall file with the Municipal Licensing and Standards Division a detailed scaled drawing of the vehicle, and a statement setting out the weight of the vehicle.
 - (2) Every owner of a vehicle equipped with a propane heater must at the time of filing his or her application for a licence, and upon application for a renewal thereof, provide a report from the Fuels Safety Branch, Technical Standards and Safety Authority that such vehicle meets the requirements of the propane storage, handling and utilisation code adopted in the regulations to the Energy Act, as amended.
 - (3) Every vehicle equipped with a heater shall also be equipped with a fire extinguisher having a 4BC rating.
 - (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

¹²³ Editor's Note: The increased insurance amount enacted by this by-law is effective for each licensed vehicle or business on the next insurance policy renewal date for that vehicle or business following the date on which this by-law comes into force; this by-law comes into force June 1, 2003.

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making available to the public a container or bag or other receptacle for the disposal of waste. **[Amended 2017-04-28 by By-law 426-2017¹²⁴]**

- (6) Every vehicle shall have the name of the owner in letters not less than 10 centimetres high, and the Toronto Licence number in numerals not less than 15 centimetres high, painted on the side of such vehicle.
- (7) No vehicle licensed under this subsection shall be used for the preparation or sale of food products except those permitted under Ontario Regulation 562 made under the Health Protection and Promotion Act, subject to compliance with the requirements of this chapter and the approval of the Medical Officer of Health. **[Added 2007-07-19 by By-law 878-2007; amended 2012-07-13 by By-law 1042-2012]**
- (8) Reserved.¹²⁵

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

- A. Every owner and operator of a refreshment vehicle to which this section relates shall observe and comply with or cause to be observed and complied with the following regulations:
 - (1) Separation of cab.
 - (a) Subject to Subsection A(1)(b) and (c), the vehicle shall be of an enclosed commercial type so designed that the cab is entirely separated and partitioned from, and has no direct access to, the body of the vehicle used for the storage and dispensing of refreshments.
 - (b) Reserved.¹²⁶
 - (c) Subsection A(1)(a) does not apply where the vehicle is equipped with a 360° mirror system as approved by the Municipal Licensing and Standards Division, which enables a driver or operator of the vehicle to view the perimeter of the truck while seated in the driver's seat.
 - (2) The vehicle and all parts, equipment and processes used for the preparation, storage or dispensing of food must meet the requirements of the regulation regarding Food Premises, R.R.O. 1990, Regulation 562, made under the Health Protection and Promotion Act, as amended, and be approved by the Medical Officer of Health. **[Amended 2014-05-08 by By-law 393-2014]**

¹²⁴ Editor's Note: By-law 426-2017 came into force May 1, 2017.

¹²⁵ Editor's Note: Subsection 545-38J(8) was deleted by By-law 393-2014.

¹²⁶ Editor's Note: Subsection 545-39A(1)(b) was deleted by By-law 393-2014.

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- (3) All vehicles shall be equipped with a properly maintained and operational audible sound-emitting warning device which is activated when the vehicle is operating in reverse.
- (4) The body, doors and windows of such vehicle shall be of sufficiently sound construction to provide reasonable protection against dust, dirt, flies and other injurious matter or things.
- (5) The interior of the vehicle shall be of a light colour and shall be repainted or refinished as often as required by the Municipal Licensing and Standards Division.
- (6) The floor of such vehicle shall be of a suitable impervious material, free of holes, cracks or crevices, and the surface thereof shall be readily washable and shall be kept clean and in good condition.
- (7) The storage shelves in the vehicle shall be painted or shall consist of a suitable impervious material.
- (8) The vehicle shall be equipped with either a metal waste container with a self-closing lid which shall be kept at all times in a clean and sanitary condition and emptied at least once daily, or a disposable litter container which shall be replaced daily; and such containers shall be used for the disposal of all waste. **[Amended 2017-04-28 by By-law 426-2017¹²⁷]**
- (9) Equipment to be kept in sanitary condition; portable litter basket.
 - (a) The vehicle and all parts and equipment thereof for use in the dispensing of refreshments shall at all times be maintained in a clean and sanitary condition and in good repair.
 - (b) The vehicle shall be equipped with a portable litter basket which shall be carried inside the vehicle while in motion and shall be suspended from the outside of the vehicle in such a position as to be easily accessible by persons making purchases while the vehicle is stopped for the sale of products to which this section relates.
- (10) Temperature of food storage area; products to remain frozen.
 - (a) The storage area of vehicles from which hard ice cream and related products are sold shall be maintained at a temperature no higher than - 18 degrees Celsius and such area shall be equipped with an accurate, indicating thermometer. **[Amended 2014-05-08 by By-law 393-2014]**
 - (b) Such hard ice cream and related products shall be maintained in a hard condition in the vehicle at all times.

¹²⁷ Editor's Note: By-law 426-2017 came into force May 1, 2017.

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

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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.
- (17) No vehicle licensed under this section shall be used for the sale of products other than those to which this section relates.
- (18) None of the products mentioned in this section shall be sold from a vehicle other than a motor vehicle.
- (19) Every owner shall take out a separate licence for each vehicle selling products to which this section relates, and such licence shall be prominently displayed thereon and the plate issued in respect of such licence shall be securely affixed to the rear of such vehicle.
- (20) No person to whom this section relates shall sell any products to which this section relates not prepared, assembled and wrapped in premises and under conditions complying entirely with the requirements of the Medical Officer of Health.
- (21) Every owner of a refreshment vehicle to which this section relates shall, whenever required so to do by the Municipal Licensing and Standards Division, bring such vehicle to any person designated by the Executive Director for inspection at the place and time indicated by the Municipal Licensing and Standards Division and, in any case, shall bring in and submit such vehicle for inspection both by the person designated by the Executive Director and by the Medical Officer of Health before the 31st day of March in each year.
- B. No owner to whom this section applies shall permit any person not employed by the owner to operate the refreshment vehicle or to assist in the sale of refreshments from the vehicle. **[Amended 2012-02-07 by By-law 206-2012; 2013-12-18 by By-law 1730-2013]**
- C. Every driver of and employee in and every owner and operator working in a refreshment vehicle to which this section relates shall be free of skin abrasions and communicable diseases of any sort, be clean and neat in appearance, have clean hands, and shall wear

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clean, light-coloured, washable outer clothing and head covering. **[Amended 2006-07-27 by By-law 678-2006¹²⁸; 2013-12-18 by By-law 1730-2013]**

- D. The driver of every refreshment vehicle to which this section relates shall:
- (1) Before departing from any stop made for the sale and dispensing of refreshments make a complete safety tour around the vehicle;
 - (2) Reserved.¹²⁹
 - (3) Refuse to serve any customer standing on the travelled portion of a highway;
 - (4) Refrain from ringing bells or chimes or making any other recognizable sounds more frequently than at five-minute intervals or for more than five seconds at a time in one place, or after sunset; and
 - (5) Not permit any person not employed by the owner to assist him or her in the driving of the vehicle or to assist in or to engage in the sale and dispensing of refreshments from the vehicle. **[Amended 2013-12-18 by By-law 1730-2013]**
- E. No amplification of any sounds of recognition used on such vehicle shall be used so as to constitute a nuisance, and no engine, motor, or other device placed in, attached to or forming part of the vehicle shall be used in such a manner as to interfere with normal radio and television set reception.
- F. Every owner to whom this section relates shall, for each vehicle for which he or she holds a licence, procure a policy of insurance endorsed to the effect that the Municipal Licensing and Standards Division shall be given at least 10 days' notice in writing of any cancellation, expiration or variation in the amount of the policy and insuring in at least the amount of \$1,000,000 (exclusive of interest and costs) comprehensive against loss or damage resulting from bodily injury to or the death of one or more persons or from loss of or damage to property resulting from any one accident. A certified copy or certificate of such policy shall be deposited with the Municipal Licensing and Standards Division. **[Amended 2003-04-16 by By-law 248-2003¹³⁰]**
- 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.

¹²⁸ Editor's Note: This by-law provided that it comes into force September 1, 2006.

¹²⁹ Editor's Note: Subsection 545-39D(2) was deleted by By-law 393-2014.

¹³⁰ Editor's Note: The increased insurance amount enacted by this by-law is effective for each licensed vehicle or business on the next insurance policy renewal date for that vehicle or business following the date on which this by-law comes into force; this by-law comes into force June 1, 2003.

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**ARTICLE V
(Reserved)**

§§ 545-40 to 545-66. Reserved.¹³¹

**ARTICLE VI
(Reserved)**

§§ 545-67 to 545-122. Reserved.¹³²

**ARTICLE VII
(Reserved)**

§§ 545-123 to 545-130. Reserved.¹³³

**ARTICLE VIII
(Reserved)**

§§ 545-131 to 545-152. Reserved.¹³⁴

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

§ 545-153. Auctioneer defined.

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

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

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

¹³¹ Editor's Note: Article V, Owners and drivers of horse-drawn vehicles used or kept for hire for the purposes of providing sightseeing tours, was deleted October 2, 2015 by By-law 973-2015.

¹³² Editor's Note: Article VI, Owners and Drivers of Tow Trucks, was deleted by By-law 970-2023. By-law 970-2023 came into force on January 1, 2024.

¹³³ Editor's Note: Article VII, Taxicab Brokers, was repealed by By-law 575-2016 effective July 14, 2016. By-law 575-2016 also enacted (new) Chapter 546, Licensing of Vehicles-For-Hire.

¹³⁴ Editor's Note: Art. VIII, Owners and Drivers of Taxicabs, was repealed by By-law 575-2016 effective July 14, 2016. By-law 575-2016 also enacted (new) Chapter 546, Licensing of Vehicles-For-Hire.

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§ 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
(Reserved)**

§ 545-157. Reserved.

[Deleted 2024-05-23 by By-law 492-2024¹³⁵]

¹³⁵ Editor's Note: By-law 492-2024 came into force on January 1, 2025.

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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 719-2005]**

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

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

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

- A. On every application for an owner's or a holistic practitioner's licence or for the renewal thereof, the applicant shall attend in person and not by an agent at the offices of the Municipal Licensing and Standards Division and shall complete the prescribed forms and shall furnish to the Municipal Licensing and Standards Division such information as the Municipal Licensing and Standards Division may direct.
- B. In the case of a holistic centre owned by a partnership, the attendance required under Subsection A of this section shall be by one of the partners, and in the case of a holistic centre owned by a corporation, such attendance shall be by an officer of the corporation.
- C. On every application for an owner's or a holistic practitioner's licence or for the renewal thereof, the applicant shall file, submit or present for inspection as required by the

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Municipal Licensing and Standards Division the originals of all documents that are required to be filed with or submitted to the Municipal Licensing and Standards Division.
[Added 2005-07-26 by By-law 719-2005]

§ 545-160. Applicant to supply photographs.

Every applicant for a holistic practitioner's licence shall submit with the application two passport-size photographs, one of which photographs shall form part of the licence, and the other which shall be filed with the Municipal Licensing and Standards Division, and upon application for renewal of any licence, the applicant shall furnish new photographs if required so to do by the Municipal Licensing and Standards Division.

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

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

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

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

[Added 2004-07-22 by By-law 656-2004; amended 2018-04-27 by By-law 525-2018]

- A. 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.
- B. Despite the provisions of this section, of § 545-158, and of Appendix L of this chapter, any application for a new holistic centre owner's licence shall not be accepted, and any such application shall be deemed incomplete and returned to the applicant, where the applicant's holistic practitioner's licence, or in the case of a corporation, an officer's or director's holistic practitioner's licence, was issued based on membership in the following professional holistic associations:
 - (1) Canadian Examining Board of Health Care Practitioners Inc.;
 - (2) Examining Board of Natural Medicine Practitioners;
 - (3) Health and Healing Holistic Association;
 - (4) National Certification Board for Natural Therapies; and
 - (5) World Peace and Natural Health Association.

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

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

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

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- (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.
- F. Despite the provisions of this section, of § 545-158 and of Appendix L of this chapter, any application for a new holistic practitioner licence relying on membership in the following professional holistic associations shall not be accepted, and any such application shall be deemed incomplete and returned to the applicant: **[Added 2018-04-27 by By-law 525-2018]**
- (1) Canadian Examining Board of Health Care Practitioners Inc.;
 - (2) Examining Board of Natural Medicine Practitioners;
 - (3) Health and Healing Holistic Association;
 - (4) National Certification Board for Natural Therapies; and
 - (5) World Peace and Natural Health Association.

§ 545-162. Transition.

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

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

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or her licence, but such person shall submit such documents upon application for all subsequent renewals.

- C. Every person who holds a licence as a holistic practitioner on December 7, 2005, and whose licence expires more than three months after December 7, 2005, shall submit the documents required by § 545-161A and B upon application for the renewal of his or her licence and upon each subsequent application for renewal.

§ 545-163. Minimum age of holistic practitioner.

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

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

§ 545-163.1. Minimum age of holistic owner.

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

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

§ 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:

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- (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. Reserved.

[Deleted 2024-05-23 by By-law 492-2024¹³⁶]

§ 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. Reserved.

[Deleted 2024-05-23 by By-law 492-2024¹³⁷]

§ 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

¹³⁶ Editor's Note: By-law 492-2024 came into force on January 1, 2025.

¹³⁷ Editor's Note: By-law 492-2024 came into force on January 1, 2025.

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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.¹³⁸

§ 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. Reserved¹³⁹

§ 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

¹³⁸ Editor's Note: Former § 545-170, Provision of holistic services by owners of holistic centres, was repealed July 22, 2004 by By-law 656-2004.

¹³⁹ Editor's Note: Section 545-172. "Notification of change of address" was deleted December 18, 2019 by By-law 1797-2019.

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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 656-2004]**
- B. Every owner shall keep all books and records as are required by Subsections A and A.1 for at least one year after the information required by that subsection is entered therein, and the Municipal Licensing and Standards Division and any person designated by the Executive Director shall at all times have access to such records. **[Amended 2004-07-22 by By-law 656-2004; 2015-10-02 by By-law 973-2015]**

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

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

§ 545-175. Advertisements to include licence number.

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

§ 545-176. Insurance requirements.

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

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

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

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

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

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

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

§ 545-179. Display of licences.

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

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

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

§ 545-181. List of services and fees.

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

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

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

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

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

§ 545-183. Hours of operation.

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

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

§ 545-184. Drugs and liquor.

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

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

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

A. Definitions.

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

SPECIFIED BODY AREAS:

- (1) The breasts in the case of an owner or practitioner;
- (2) The areolae in the case of a client; and
- (3) The genitals and the anus in the case of all people.

B. Every owner and every holistic practitioner, while engaged in his or her trade, business or occupation, shall be:

- (1) Dressed in a professional manner, in opaque clothing that is conducive to the holistic services being provided and that completely covers his or her specified body areas;
- (2) Neat and clean in his or her person and dress; and
- (3) Civil and well-behaved to members of the public.

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

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

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

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ARTICLE XII
(Reserved)¹⁴⁰

§§ 545-187 to 545-197. Reserved

ARTICLE XIII
Sale of Tobacco Products

§ 545-198. Applicability of article.

[Amended 2011-04-13 by By-law 517-2011¹⁴¹]

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

§§ 545-199 to 201. Reserved¹⁴²

ARTICLE XIV
Operators 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 operator 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

¹⁴⁰ Editor's Note: Former Art. XII, Owners of Barber-Shops or Hairstylist or Hairdressing Establishments, was repealed by By-law 629-2013 which came into force July 1, 2013. Despite the repeal of this Article, the provisions shall continue to apply to every person licensed as an owner of a barber shop or hairdressing establishment until the licence issued to such person expires or is renewed as a personal services setting licence, endorsed for hairstyling. See new Art. XLIV, Personal Services Settings.

¹⁴¹ Editor's Note: As a result of changes in provincial legislation, the City of Toronto has the jurisdiction to licence business establishments located in hotels where previously such businesses were exempted.

¹⁴² Editor's Note: By-law 1797-2019 enacted on December 18, 2019 deleted § 545-199. "Licence required for automatic vending machines dispensing tobacco products", § 545-200. "Location of and supervision over automatic vending machines dispensing tobacco products" and § 545-201. "Signage concerning minimum age of purchasers of tobacco products".

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name or symbol to be in figures, letters or markings at least six centimetres high on the outside of both sides of the boat and near the bow thereof and above the water-mark.

§ 545-204. Bookkeeping requirements.

When a boat is hired, the operator 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 operator's premises and the number of such occupants, and the operator shall permit the Municipal Licensing and Standards Division to inspect such record at all times.

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

No operator 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 operator 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

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interest and costs) for damage to property resulting from any one accident.

[Amended 2003-04-16 by By-law 248-2003¹⁴³; 2004-10-28 by By-law 988-2004¹⁴⁴]

- (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, e-cigarette, tobacco, or other substance while driving the school bus. **[Amended 2019-12-18 by By-law 1797-2019]**
- 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.

¹⁴³ Editor's Note: The increased insurance amount enacted by this by-law is effective for each licensed vehicle or business on the next insurance policy renewal date for that vehicle or business following the date on which this by-law comes into force; this by-law came into force June 1, 2003.

¹⁴⁴ Editor's Note: This by-law came into force June 1, 2003.

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- J. Reserved.¹⁴⁵
- K. Every driver shall take due care of all property delivered or entrusted to him or her for conveyance or safekeeping. Every driver shall immediately, upon the termination of any hiring or engagement, carefully search his or her school bus for any property lost or left therein, and all property or money left in his or her school bus shall be forthwith delivered over to the person owning the same, or if the owner cannot at once be found, then to the nearest police station, with all information in his or her possession regarding the same.
- L. Where there are reasonable grounds to believe that, by reason of illness, injury or any other physical or mental impairment, the conduct of a driver may not be in accordance with this chapter, or may endanger the health or safety of other persons, the Municipal Licensing and Standards Division and the Toronto Licensing Tribunal may require such driver to be medically examined by a duly qualified medical practitioner, and such medical practitioner may make a report of such examination to the Municipal Licensing and Standards Division or the Toronto Licensing Tribunal, as the case may be.
- M. A driver shall not drive a school bus or allow the same to be driven unless there is a seat available for each child carried therein, and shall not permit children to stand while the vehicle is in motion.
- N. A driver shall not, while such school bus is engaged in transporting children, use such vehicle for hire for any purpose other than the conveyance, to and from a school, of children and of foodstuffs and other articles required for a school and, without limiting the foregoing, shall not at any time use such vehicle for hire for the conveyance of adults within the City of Toronto.

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

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

¹⁴⁵ Editor's Note: Subsection 545-208J was deleted December 18, 2019 by By-law 1797-2019.

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\$5,000 (exclusive of interest and costs) for damage to property resulting from any one accident.

- C. Every owner of a drive-self rental motorcycle and every owner of a drive-self rental motor scooter shall keep a written record of the names and addresses of all persons to whom such vehicle is rented, which record shall indicate clearly and legibly the dates and times at which the said vehicle was taken out and returned and the number of the licence plate issued by the Municipal Licensing and Standards Division as hereinafter described; and such record shall be open and available for inspection by the Municipal Licensing and Standards Division at all reasonable hours.
- D. Reserved.¹⁴⁶

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

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

**ARTICLE XVI
(Reserved)**

§§ 545-211 to 545-223 Reserved.

[Deleted 2024-05-23 by By-law 492-2024¹⁴⁷]

¹⁴⁶ This Subsection was repealed February 7, 2012 by By-law 206-2012.

¹⁴⁷ Editor's Note: By-law 492-2024 came into force on January 1, 2025.

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ARTICLE XVII
Hawkers and Pedlars

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

[Amended 2019-12-18 by By-law 1797-2019¹⁴⁸]

- A. Every person licensed under this article who goes from place to place or to a particular place with any 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 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 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.

[Amended 2019-12-18 by By-law 1797-2019]

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

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

§ 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, 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

¹⁴⁸ Editor's Note: Previous § 545-224A was deleted by By-law 1797-2019. Former §545-224B was subsequently renumbered as § 545-224A.

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a constable or other police officer, or of a traffic control sign or signal. **[Amended 2019-12-18 by By-law 1797-2019]**

ARTICLE XVIII
Owners and Operators of Laundries

§ 545-228. Separate licence for certain premises.

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

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

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

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

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

§ 545-231. Display of licence.

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

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

- A. Reserved.¹⁴⁹
- 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
(Reserved)**

§§ 545-235 to 545-245. Reserved¹⁵⁰

**ARTICLE XX
Pet Shops**

§ 545-246. Definitions.¹⁵¹

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

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

RESCUE GROUP - A not-for-profit or charitable organization, registered with Toronto Animal Services, whose mandate and practices are predominately the rescue and placement of animals

¹⁴⁹ Editor's Note: This Subsection was repealed February 7, 2012 by By-law 206-2012.

¹⁵⁰ Editor's Note: Art. XIX, respecting the sale of horse meat and fresh meat, was deleted October 2, 2015 by By-law 973-2015.

¹⁵¹ Editor's Note: The definition of "Keeper" was deleted December 18, 2019 by By-law 1797-2019.

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and facilitating the spaying or neutering of animals for animal welfare purposes. [Added 2013-02-21 by By-law 182-2013]

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

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

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

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

Every application for an operator'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 operator 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.

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- (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 operator 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 operator 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 operator 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 operator shall sell, permit to be sold, offer for sale or give away any mammal before it has reached the normal weaning age, based on known requirements of that particular species.

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

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

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

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

- A. Whenever an operator 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

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colour and placing of markings, if any, of the dog or cat, and an up-to-date certificate of health from a veterinarian with respect to such dog or cat.

- B. Every operator who is obliged to provide a receipt showing the matters set out in § 545-255A shall post, in a conspicuous place, a notice provided by the Municipal Licensing and Standards Division advising customers of the required content of the receipt.
- C. Reserved.¹⁵²

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

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

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

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

§ 545-258. Inspection of premises.

The Medical Officer of Health or his or her designate, the Municipal Licensing and Standards Division, and any other person authorized by the Executive Director or his or her designate may

¹⁵² Editor's Note: This subsection was deleted February 21, 2013 by By-law 182-2013.

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inspect any shop or place where animals or birds for use as pets are sold or kept for sale.
[Amended 2015-10-02 by By-law 973-2015]

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

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

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

No operator shall:

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

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

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

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

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

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

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

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

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

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- D. rescue groups.

ARTICLE XXI
(Reserved)¹⁵³

§§ 545-261 to 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 building or a place where motor vehicles are hired, used for hire, sold or kept for sale capable of accommodating: **[Amended 2015-07-09 by By-law 804-2015¹⁵⁴]**
- (1) Not more than five motor vehicles;
 - (2) Six to 10 motor vehicles; or
 - (3) More than 10 motor vehicles.
- B. A building or place where gasoline or oil is sold or kept for sale.
- C. A building or place used as a motor vehicle repair shop other than as described in Subsection D.
- D. A building or place used as a motor vehicle repair shop limited to making minor or running repairs.
- E. A building or place used for washing or cleaning motor vehicles by mechanical means.
- F. A building or buildings used for washing or cleaning motor vehicles by other than mechanical means.
- G. Reserved.¹⁵⁵

¹⁵³ Editor's Note: Former Art. XXI, Owners and Operators of Public Address Systems, Sound Equipment, Loudspeakers and Similar Devices, was repealed September 27, 2006 by By-law 964-2006. See now Ch. 591, Noise.

¹⁵⁴ Editor's Note: By-law 804-2015 came into force September 1, 2015.

¹⁵⁵ Editor's Note. Subsection G, respecting a collision reporting centre was deleted by By-law 970-2023, which came into force on January 1, 2024.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- A. Subject to Subsection D of this section, the vehicle bears a penalty notice issued in accordance with Chapter 610, Penalties, Administration of; **[Amended 2017-07-07 by By-law 797-2017¹⁵⁶]**
- B. A Toronto Police Services tow card issued by the municipal law enforcement officer who issued the penalty notice, or by a police officer, police cadet, or municipal law enforcement officer employed by the Toronto Police Service, is provided to such owner or operator at the time the vehicle is first received at such public garage; and **[Amended 2017-07-07 by By-law 797-2017¹⁵⁷]**
- C. A sign approved by the Executive Director, bearing letters and numbers not less than 7.5 centimetres in height, and bearing a representation of a penalty notice and a Toronto Police Service tow card, has been posted at the said public garage in a clearly visible location, stating: **[Amended 2017-07-07 by By-law 797-2017¹⁵⁸]**
 - (1) The name, address, telephone number and hours of operation of the said public garage;
 - (2) A twenty-four-hour phone number for the owner or operator of the said public garage, or an employee thereof, by which persons may receive an immediate response to complaints in respect of the public garage;
 - (3) All fees which may be charged or received by the said public garage in relation to such vehicle; and
 - (4) That the said public garage has no lien on the vehicle arising from the towing or storage of the vehicle unless a Toronto Police Service tow card has first been issued in relation to such vehicle.
- D. Subsection A of this section does not apply where the vehicle does not bear a number plate issued under the Highway Traffic Act, as amended.

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

Every owner or operator of a public garage which stores, parks or receives at his or her public garage a vehicle which has been towed from private property without the consent of the owner of such vehicle shall, immediately upon receipt of such vehicle, forward the Toronto Police Service

¹⁵⁶ Editor's Note: By-law 797-2017 came into effect August 28, 2017.

¹⁵⁷ Editor's Note: By-law 797-2017 came into effect August 28, 2017.

¹⁵⁸ Editor's Note: By-law 797-2017 came into effect August 28, 2017.

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tow card issued in relation to such vehicle, or the information contained therein, to the Parking Enforcement Unit by facsimile transmission or by such other method or form of transmission as may be approved by the Parking Enforcement Unit.

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

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

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

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

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

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no licence was issued in the previous year, unless the applicant produces to the Municipal Licensing and Standards Division with his or her application the certificate of approval issued pursuant to the *Environmental Protection Act* in respect of any plant, structure, equipment, apparatus, mechanism or thing to be used in the operation of such public garage, where the obtaining of such a certificate is required by that statute.

§ 545-269. Reserved.¹⁵⁹

§ 545-270. Owners and operators 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 to any sidewalk or roadway upon which such premises abuts. **[Amended 2015-10-02 by By-law 973-2015]**
- D. Adequate ventilation to be provided.
- (1) No person to whom this section relates shall permit the engine of a motor vehicle in any building to run, whether on a frame or in a motor vehicle while stationary, unless adequate ventilation is provided to ensure dilution of any carbon monoxide fumes.

¹⁵⁹ Editor's Note: Section 545-269 entitled "Owners and keepers of public garages used as parking stations and parking lots" was deleted in its entirety by By-law 804-2015 which came into force September 1, 2015.

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- (2) 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 operator 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.
- (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.

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- [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 operator 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

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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 operator 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 operator 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 operator:
 - (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 operator of the facility, or an employee thereof, by which persons residing in the vicinity of the facility may receive an immediate response to complaints in respect of the facility; and
 - [3] Display the telephone number of the Municipal Licensing and Standards Division and the business telephone number of the owner or operator 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

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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 operator 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 operator of the facility.

§ 545-271. Reserved.¹⁶⁰

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

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

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

B. As used in this section, the following terms shall have the meanings indicated:¹⁶¹

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

¹⁶⁰ Editor's Note: By-law 1131-2015, enacted November 4, 2015 deleted § 545-271. Owners and operators of public garages used as service stations.

¹⁶¹ Editor's Note: The definition of "Motor Vehicle Owner" was deleted December 18, 2019 by By-law 1797-2019.

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of a motor vehicle, and notwithstanding the generality of the foregoing, includes payment by way of bonus, commission or any other consideration.

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

- C. Posting of sign pertaining to calculation of charges; filing of schedule of charges.
- (1) Every person to whom this section relates shall post and keep posted in a prominent location in or at his or her premises a sign or signs sufficient to give notice to every motor vehicle owner who requires repairs or other services in respect of a motor vehicle, as to the manner in which charges for repairs or other services are calculated, including disclosure of the methods of calculation of remuneration paid to his or her employees or anyone else providing repairs or other services in respect of a motor vehicle.
 - (2) Every person to whom this section relates shall file with the Municipal Licensing and Standards Division a schedule of charges, including disclosure of the manner in which such charges are calculated, to be paid by any member of the public for repairs or other services in respect of a motor vehicle.
 - (3) The schedule of charges referred to in Subsection C(2) shall indicate the cost and method of calculation, if any, of providing a written estimate.
- D. Every person to whom this section relates shall, upon the request of the owner, provide such person with a copy of the applicable schedule of charges filed with the Municipal Licensing and Standards Division as required by this section.
- E. Notification of changes in schedule of charges.
- (1) A schedule of charges filed with the Municipal Licensing and Standards Division by a person to whom this section relates may not be altered or amended by increasing a charge or charges in the schedule unless 15 days' written notice of his or her intention to change such schedule, together with a copy of the amendment, is given to the Municipal Licensing and Standards Division.
 - (2) Where a person to whom this section relates intends to reduce a charge or charges in the schedule of charges for a period in excess of 60 days, the schedule of charges may not be altered or amended unless 15 days' written notice of his or her intention to change such schedule, together with a copy of the amendment, is filed with the Municipal Licensing and Standards Division.
- F. No person to whom this section relates shall demand, request or accept payment for repairs or other services in respect of a motor vehicle other than in accordance with the applicable schedule of charges filed with the Municipal Licensing and Standards Division.
- G. Estimates.
- (1) Subject to Subsection G(2), a person to whom this section relates shall provide to the motor vehicle owner a written estimate, prepared in accordance with Subsection G(3), setting out the cost of all repairs or other services and any other charges in respect of

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- 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:

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- (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.

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.

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§ 545-273. Reserved.¹⁶²

ARTICLE XXIII
Salvage Yards; Second-Hand Goods

§ 545-274. Applicability of article.

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

§ 545-275. Patriotic and charitable purposes exempt.

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

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

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

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

Every person taking out a collector's licence under this chapter shall, at the time of the issue of his or her licence, be furnished by the Municipal Licensing and Standards Division with a metallic plate bearing a number which shall be securely affixed to his or her cart or other vehicle used in carrying on his or her business. **[Amended 2019-12-18 by By-law 1797-2019]**

§ 545-278. Maintenance of stores.

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

¹⁶² Editor's Note: Section 545-273, "Owners and operators of public garages used as collision reporting centres", was deleted by By-law 970-2023, which came into force on January 1, 2024.

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§ 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 operator 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 operator 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.

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§ 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).

§ 545-285. Register of goods received.

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

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

- A. The date on which and the hour at which the goods are received;
- B. A full description of the article or articles including:
 - (1) The serial and model number, if any; and
 - (2) The manufacturer's name, if any; and
- C. In the case of bicycles, the name of the maker and the manufacturer's number therefor shall, in every case, be recorded, if known or ascertainable;
- D. The name, address, full particulars of identification and description of the person from whom the goods are received;
- E. If purchased, the price paid therefor; and

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- F. In the case of goods delivered or conveyed by motor vehicle licensed by any province of Canada or any state of the United States of America, the provincial or state licence number of the motor vehicle delivering or conveying the goods.

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

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

It shall be the duty of the person requiring a licence under the provisions of this chapter to ensure that the Second-Hand Goods Register is not mutilated or destroyed; to deliver, or cause to be delivered, to such place as the Executive Director or his or her designate requires not later than 9:00 in the morning of every weekday, a transcript of the information required to be entered in the Second-Hand Goods Register by § 545-285A, B, C, with relation to the goods received on the previous business day, accurately copied from the register on the blank forms supplied for that purpose; to permit the inspection of the Second-Hand Goods Register for law enforcement purposes by a police officer, or a municipal law enforcement officer employed by the Toronto Police Service at all times during business hours; to permit the inspection of the Second-Hand Goods Register for law enforcement purposes by other law enforcement personnel as may be authorized by the Executive Director, at all times during business hours; and to permit the removal of the Second-Hand Goods Register at any time for inspection for law enforcement purposes by police officers, or municipal law enforcement officers employed by the Toronto Police Service, or by other law enforcement personnel as may be authorized by the Executive Director, or for use in the courts, if necessary. The person licensed shall not be held liable for neglecting to enter goods received while the Second-Hand Goods Register is so absent from his or her premises.

§ 545-287. Notice of collection required.

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

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

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

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

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

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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 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.

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

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

§ 545-293. Register of goods received.

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

Every person who for hire or gain deals in old gold, other precious metals, in old jewellery or other articles for the purpose of smelting the same and recovering the gold therefrom shall maintain a book known as "The Old Gold or Old Jewellery Register," in which shall be entered in the English language written in ink in a plain, legible hand, a record of all old gold, other precious metals, old jewellery or other similar articles purchased or taken in exchange. The entry must be made at the time of purchase or exchange or immediately thereafter, and shall include:

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

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

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

It shall be the duty of the person requiring a licence under the provisions of this chapter to ensure that the Old Gold or Old Jewellery Register is not mutilated or destroyed, to deliver, or cause to be delivered, to such place as the Executive Director or his or her designate requires not later than 9:00 in the morning of every weekday, a transcript of the information required to be entered in the register by § 545-293A, B, C, in relation to the goods received on the previous business day, accurately copied from the register on the blank forms supplied for that purpose; to permit the inspection of the Old Gold or Old Jewellery Register for law enforcement purposes by a police officer, or a municipal law enforcement officer employed by the Toronto Police Service at

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all times during business hours; to permit the inspection of the Old Gold or Old Jewellery Register for law enforcement purposes by other law enforcement personnel as may be authorized by the Executive Director, at all times during business hours; and to permit the removal of the Old Gold or Old Jewellery Register at any time for inspection for law enforcement purposes by police officers, or municipal law enforcement officers employed by the Toronto Police Service, or by other law enforcement personnel as may be authorized by the Executive Director, or for use in the courts, if necessary. The person licensed shall not be held liable for neglecting to enter goods received while the Old Gold or Old Jewellery Register is so absent from his or her premises.

§ 545-293.2. Notice of collection required.

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

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

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

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

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

§ 545-293.4. Advertising.

[Added 2019-10-30 by By-law 1515-2019]

No person to whom this article relates shall advertise their business establishment on City property, including the property of City Agencies, Boards and Commissions.

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**ARTICLE XXV
Pawnbrokers**

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

[Amended 2018-12-13 by By-law 17-2019¹⁶³]

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

§ 545-294.1. Advertising.

[Added 2019-10-30 by By-law 1515-2019]

No pawnbroker shall advertise their pawnbroker establishment on City property, including the property of City Agencies, Boards and Commissions.

**ARTICLE XXVI
(Reserved)**

§§ 545-295 to 545-300. Reserved¹⁶⁴

**ARTICLE XXVII
(Reserved)**

§§ 545-301 to 545-303. Reserved¹⁶⁵

**ARTICLE XXVIII
(Reserved)**

§§ 545-304 to 545-312. Reserved¹⁶⁶

**ARTICLE XXIX
(Reserved)**

§§ 545-313 to 545-314. Reserved¹⁶⁷

¹⁶³ Editor's Note: By-law 17-2019 is deemed to have come into force on October 23, 2018.

¹⁶⁴ Editor's Note: Art. XXVI, Swimming pools and public bath premises operated for profit, was deleted October 2, 2015 by By-law 973-2015.

¹⁶⁵ Editor's Note: Art. XXVII, Owners and keepers of trailer camps, was deleted October 2, 2015 by By-law 973-2015.

¹⁶⁶ Editor's Note: Art. XXVIII, Special Sales, was deleted October 2, 2015 by By-law 973-2015.

¹⁶⁷ Editor's Note: Article XXIX, Distribution of Bills, was deleted October 2, 2015 by By-law 973-2015.

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ARTICLE XXX
Building Cleaners

§ 545-315. Definitions.

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

BUILDING CLEANER EMPLOYEE - Every building cleaner who is employed by a building cleaning contractor.

BUILDING CLEANING CONTRACTOR - Every building cleaner who carries on business as a sandblaster or as a person who for gain uses chemicals or pressurized air, water, steam, sand or other abrasives to clean or restore the exteriors of buildings or other structures.

DESIGNATED BUILDING - Any building or structure designated by or under the provisions of the Ontario Heritage Act or by a municipal by-law passed pursuant thereto, and any building or structure situated on property so designated.

§ 545-316. Applicant to provide mailing address.

In addition to furnishing any information required under this chapter, every applicant for a building cleaning contractor's licence shall, in his or her application, truly and accurately set out his or her mailing address of his or her proposed business premises, and every holder of such a licence shall notify the Municipal Licensing and Standards Division in writing within 48 hours of any change of his or her business address.

§ 545-317. Licence number to be displayed on vehicle and in advertisements.

A. Every building cleaning contractor shall ensure that:

- (1) All vehicles used by him or her in the course of business bear on both sides of each such vehicle in letters and figures not less than 10 centimetres in height and clearly legible at a distance of six metres the words "Toronto Licence No. _____" followed by the number of the licence issued by the Municipal Licensing and Standards Division to such contractor; and
- (2) All stationery, forms, bills, invoices, statements and any other printed or written advertising material, including any published advertisements in a newspaper, periodical, directory or other publication used by building cleaning contractors in the course of such business, bear in clearly legible letters and figures the same inscription.

B. For purposes of this section, any reference to the number of a licence shall mean the trade number that is issued to a licensee by the Municipal Licensing and Standards Division to identify the particular trade or type of business that is licensed.

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§ 545-318. Use of trade names.

- A. A person licensed as a building cleaning contractor may carry on business under a trade name or name other than his or her own but shall not carry on business under more than one name, and only one licence shall be issued.
- B. Every building cleaning contractor shall, when he or she applies for a licence, notify the Municipal Licensing and Standards Division in writing of any trade or other name to be used by him or her in carrying on his or her business, and shall not use any other name until he or she has first notified the Municipal Licensing and Standards Division in writing of his or her intention to use such name.

§ 545-319. Building cleaning contractors and employees to be licensed.

- A. No building cleaning contractor shall employ any person other than a licensed building cleaner employee to sandblast or use chemical or pressurized air, water, steam, sand or other abrasive to clean or restore the exterior of any building or structure.
- B. No building cleaner employee shall sandblast or use chemicals or pressurized air, water, steam, sand or other abrasive to clean or restore the exterior of any building or structure unless he or she is employed by a licensed building cleaning contractor.

§ 545-320. Written contract required.

Every building cleaning contractor shall, before commencing to clean any building or structure, enter into a written contract with the person for whom the work is to be performed, setting out the particulars of such work and signed by such contractor and by such person.

§ 545-321. Cleaning designated buildings.

- A. Every building cleaning contractor shall, before commencing to clean any building or structure, ascertain whether or not such building or structure is a designated building.
- B. No building cleaning contractor shall commence to clean, disturb or alter any designated building until he or she has first provided to the Clerk of the City of Toronto a notice in writing setting out the municipal address of such building, and particulars of the work which he or she intends to carry out to the said building, the process which he or she intends to employ, the materials which he or she intends to use in performing such work, and the date upon which he or she intends to commence such work.
- C. No building cleaning contractor shall commence to clean, disturb or alter any designated building until the expiration of 14 days after the giving of the written notice required by Subsection B.
- D. No building cleaning contractor shall commence to clean, disturb or alter any building until he or she has first obtained any permit or consent required by law to authorize such work to be performed.

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§ 545-322. Compliance by contractor required prior to commencement of cleaning.

No building cleaner employee shall commence to clean, disturb or alter any building unless the building cleaning contractor by whom he or she is employed has complied with the provisions of this article.

§ 545-323. Identification sign to be posted on building site.

Every building cleaning contractor shall, before commencing to clean any building or structure, post in a conspicuous place on the site of such building or structure and in view to and readable by any person approaching or walking by the said building or structure a sign bearing in letters and figures not less than 10 centimetres in height and clearly legible at a distance of six metres his or her name, address and the number of the licence issued to him or her by the Municipal Licensing and Standards Division.

§ 545-324. Facilities for control and removal of dust and other waste.

Every building cleaning contractor shall provide adequate facilities for the control, removal and disposal of all dust, contaminant, chemicals and waste materials emanating from or resulting from work performed by him or her or under his or her direction on any building or structure.

§ 545-325. Air pollution regulations.

Upon the issuance of a licence to a building cleaning contractor or a building cleaner employee, the Municipal Licensing and Standards Division shall provide to him or her a copy of the Regulations to the *Environmental Protection Act* relating to air pollution.

§ 545-326. Insurance requirements.

- A. Every building cleaning contractor shall, before the issuance of a licence to him or her, procure a policy of insurance insuring him or her against liability imposed upon him or her by law for loss or damage resulting from the carrying on of the business to which such licence relates, insuring in respect of any one incident to the limit of at least \$1,000,000, exclusive of interest and costs, against liability from bodily injury to or the death of one or more persons and loss of or damage to property.
- B. The policy required by Subsection A shall be endorsed to the effect that the Municipal Licensing and Standards Division shall be given at least 10 days' notice in writing of any cancellation, expiration or variation.
- C. A certified copy of the policy required by Subsection A, or a certificate issued in respect thereof, shall be deposited with the Municipal Licensing and Standards Division before the issuance of the licence.

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ARTICLE XXXI
Body-Rub Parlours

§ 545-327. Definitions.

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

BODY-RUBBER — Includes a person licensed or required to be licensed under § 545-2A(8) of this chapter.

OWNER and OPERATOR — Respectively, an owner or operator of a body-rub parlour, licensed as such or required to be licensed as such under § 545-2A(7) of this chapter.

§ 545-328. Application requirements.

- A. On every application for an owner's, operator's or body-rubber's licence or for the renewal thereof, the applicant shall attend in person and not by an agent at the offices of the Municipal Licensing and Standards Division and shall complete the prescribed forms and shall furnish to the Municipal Licensing and Standards Division such information as the Municipal Licensing and Standards Division may direct.
- B. In the case of a body-rub parlour owned or operated by a partnership, the attendance required under Subsection A of this section shall be by one of the partners, and in the case of a body-rub parlour owned or operated by a corporation, such attendance shall be by an officer of the corporation.
- C. Every applicant for a body-rubber's licence shall submit with the application two passport-size photographs, one of which photographs shall be attached to the licence, and the other which shall be filed with the Municipal Licensing and Standards Division, and upon application for renewal of any licence, the applicant shall furnish new photographs if required so to do by the Municipal Licensing and Standards Division.
- D. Every applicant for an owner's licence shall, at the time of making the application, file with the Municipal Licensing and Standards Division a list showing the names of all operators and body-rubbers employed by or performing services in the body-rub parlour and all such persons intended or expected to be employed or to perform services in the body-rub parlour.
- E. On every application for an owner's licence by an individual or by a corporation, the applicant shall state:
 - (1) If the applicant is an individual, his or her date of birth;
 - (2) If the applicant is a corporation, the date of birth of every shareholder or other person having a beneficial interest of any kind in the shares of the corporation applicant or in any of the corporations referred to in § 545-329 of this article.
- F. Every applicant referred to in Subsection E of this section, and every shareholder, partner or other person referred to in this section or in § 545-329, 545-330 or 545-331 of this article shall file with or produce to the Municipal Licensing and Standards Division proof

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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. Reserved.

[Deleted 2024-05-23 by By-law 492-2024¹⁶⁸]

§ 545-330. Reserved.

[Deleted 2024-05-23 by By-law 492-2024¹⁶⁹]

§ 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

¹⁶⁸ Editor's Note: By-law 492-2024 came into force on January 1, 2025.

¹⁶⁹ Editor's Note: By-law 492-2024 came into force on January 1, 2025.

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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 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.

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§ 545-335. Licensing requirements of owners and operators.

- A. No body-rub parlour may open for business or operate or be operated unless its owner is licensed as such under this chapter.
- B. Documentation concerning ownership of property.
 - (1) Every person applying for an owner's licence shall file with the Municipal Licensing and Standards Division documentation satisfactory to the Municipal Licensing and Standards Division demonstrating the applicant's right to possess or occupy the premises used by him or her as a body-rub parlour, and if such person is not the registered owner or owner in fee simple of the property upon which the body-rub parlour is located, such person shall file with the Municipal Licensing and Standards Division at the same time a copy of his or her lease, if any, and of any other document consisting or affecting the legal relationship between the said applicant and the said registered owner or owner in fee simple of the real property.
 - (2) For the purpose of this subsection, "registered owner" means the owner as registered pursuant to the *Land Titles Act* or the *Registry Act* as the case may be.
- C. A separate owner's licence shall be taken out in respect of each body-rub parlour.
- D. Where an owner does not personally operate his or her body-rub parlour, every person operating such body-rub parlour shall obtain a licence so to do, but nothing herein relieves such an owner from the requirement that he or she obtain a licence as owner of such body-rub parlour.
- E. An owner or operator may, subject to the provisions of this chapter, if his or her licence as an owner or operator is so endorsed by the Municipal Licensing and Standards Division, perform body-rubs in the body-rub parlour of which he or she is the owner or operator.
- F. An owner who operates his or her own body-rub parlour shall notify the Municipal Licensing and Standards Division of this fact at the time he or she obtains his or her licence, and his or her licence may be endorsed accordingly upon payment of the appropriate licence fee, and he or she shall notify the Municipal Licensing and Standards Division and have the said endorsement amended before engaging any operator to operate his or her body-rub parlour.

§ 545-336. Regulations concerning owners and operators.

- A. No owner of a body-rub parlour or premises shall permit any person other than a licensed operator to operate such body-rub parlour.
- B. No owner or operator shall permit any body-rub to be performed, offered, or solicited in the pursuance of a trade, business or occupation, upon or at his or her body-rub parlour or pursuant to the operation by him or her of a body-rub parlour, by any person other than a licensed body-rubber or other person licensed or authorized by or under this chapter so to do.

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- 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.

§ 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.

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- 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. Reserved¹⁷⁰

§ 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.

¹⁷⁰ Editor's Note: Section 545-339. "Change of address of owner, operator or body-rubber" was deleted December 18, 2019 by By-law 1797-2019.

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- C. The making of a false or intentionally misleading recital of fact, statement or representation in any such agreement or statutory declaration required by Subsection B hereof shall be deemed a violation of the provisions of this chapter.
- D. Notwithstanding Subsections A and B hereof, the Toronto Licensing Tribunal may, in its discretion, refuse to issue a licence or licences to a purchaser, lessee or other person obtaining an interest in a body-rub parlour in a transaction under this section when the Toronto Licensing Tribunal is of the opinion that it is not in the public interest, as determined by the Toronto Licensing Tribunal, that such new licence or licences should be issued, and the Toronto Licensing Tribunal shall, upon demand from any party to the transaction, deliver written reasons for such decision.
- E. Notwithstanding anything in this section, the Toronto Licensing Tribunal may not approve the issuance of any licence except as permitted by § 545-361 of this article.
- F. Upon the sale, lease or other disposition of a body-rub parlour, every operator's licence issued in respect of such body-rub parlour shall terminate, and the Toronto Licensing Tribunal may, subject to the provisions of this chapter, permit the purchaser, lessee or other person obtaining an interest in such body-rub parlour to operate the body-rub parlour by an endorsement to that effect upon an owner's licence issued to him or her or may issue a new operator's licence to any person previously licensed as an operator in respect of such body-rub parlour.

§ 545-341. Body-rub parlours not to be constructed or equipped so as to interfere with enforcement.

- A. No premises in which a body-rub parlour is located shall be constructed or equipped so as to hinder or prevent the enforcement of this chapter.
- 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

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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.

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- D. Adequate toilet and washroom accommodation shall be provided, and there shall be separate such rooms for males and females, and no body-rubs or other services may be provided in any washroom or in any room containing a toilet.
- E. Washrooms shall be equipped with:
 - (1) An adequate supply of hot and cold water;
 - (2) An adequate supply of liquid soap in a suitable container or dispenser;
 - (3) Hot air dryers or individual clean towels for the use of each person using the washing facilities; and
 - (4) A suitable receptacle for used towels and waste material.
- F. No washroom, toilet, sink or basin used for domestic purposes shall be used in connection with a body-rub parlour.
- G. Adequate shower-bath rooms shall be provided, and in such rooms, and in all sauna-bath rooms, if any:
 - (1) The floors shall be disinfected at least once a week with a disinfecting solution approved by the Medical Officer of Health;
 - (2) All surfaces and attached accessories of the bath or shower enclosure must be self-draining;
 - (3) All showers must have removable cleanable drain covers; and
 - (4) Floor surfaces both within and without the enclosures shall be of a non-slip type.
- H. If bathtubs or whirlpool baths are provided on the premises, the following regulations shall apply:
 - (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.

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- 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

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shall, during the period in which the body-rub parlour owned or operated by him or her is open for business, provide a person for such purposes, which person shall not, during the period in which he or she is so employed, provide any body-rubs.

§ 545-348. Safekeeping of valuables belonging to customers.

- A. Every owner who operates his or her body-rub parlour and every operator shall provide in respect of the body-rub parlour owned or operated by him or her a service by which any customer may deposit his or her valuables or other property for safekeeping, and any customer who presents his or her property for safekeeping shall be given a receipt specifying the nature of the property so entrusted.
- B. Every owner and operator shall take due care of all property delivered or entrusted to him or her for safekeeping and return it to its owner upon demand. Every body-rubber immediately upon the termination of the services of performing a body-rub shall carefully search the body-rub parlour for any property lost or left therein, and all property or money left in the body-rub parlour shall be forthwith delivered over to the person owning the same, or if the owner cannot at once be found, then to the nearest police station, with all information in his or her possession regarding the same.

§ 545-349. Signs and advertising.

- A. No owner or operator shall in any way or by any means advertise a body-rub parlour owned or operated by him or her, or publish anything or erect, post or maintain any sign, notice or any other publication or device, relating to or drawing attention to such body-rub parlour by any means or in any form whatsoever, except as specifically permitted in this chapter.
- 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

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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 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.

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§ 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.

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- 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 operators of public bath premises operated for profit, shall be performed, offered or solicited in any shower room, steam room, or in any room or cubicle which contains a shower facility, sauna-bath facilities, bathtub, whirlpool tub or any similar facility, and every owner and operator shall ensure compliance with this provision in any body-rub parlour owned or operated by him or her.
- C. Subject to this chapter, before there is offered, given, solicited or performed in any body-rub parlour any services other than body-rubs for which business, trade, or occupation a licence is otherwise required by this chapter, the owner of the said body-rub parlour shall attend at the offices of the Municipal Licensing and Standards Division and shall apply to have his or her licence endorsed to permit such trade, business or occupation to be carried on in such body-rub parlour, and if the Municipal Licensing and Standards Division authorizes such endorsement, the said owner shall pay the licence fee, if any, required of him or her by the by-law for such a licence.
- D. No owner or operator shall permit any trade, business or occupation for which a licence is required under this chapter to be carried on in a body-rub parlour owned or operated by him or her unless a description of the said trade, business or occupation is endorsed on the owner's licence as provided in this chapter and unless the owner and every other person required to be so licensed has paid the licence fee applicable to him or her.
- E. Every person shall in carrying on or permitting the carrying on of any trade, business or occupation in a body-rub parlour comply with all of the requirements of the by-law relating thereto, including the requirement of licence, if any.
- F. Where an owner's licence is endorsed by the Municipal Licensing and Standards Division to permit the carrying on in a body-rub parlour of a trade, business or occupation other than the provisions of body-rubs, such owner shall, subject to the provisions of this chapter, be permitted to post on the exterior of such body-rub parlour a sign bearing, in plain letters no 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.

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- B. No one may provide a body-rub or any other services in a body-rub parlour to a person who is or who appears to be under the age of 18 years.
- C. No owner or operator shall permit any person actually or apparently under the age of 18 to enter or remain in any body-rub parlour owned or operated by him or her.

§ 545-354. Patrons not to be intoxicated; services not to cause illness or injury.

- A. No owner, operator, body-rubber or other person shall provide a body-rub or any other service or services in a body-rub parlour to a person who is or who appears to be intoxicated by alcohol or a drug or to any person whose appearance or condition provides reasonable cause to believe that the provision of such services to such person may cause illness or injury to him or her.
- B. No owner or operator shall permit any person who appears to be intoxicated by alcohol or a drug to enter or remain in any body-rub parlour operated by him or her.

§ 545-355. Hours of operation; schedule of hours of operation to be filed; means of access to remain unobstructed.

- A. No owner or operator shall, in respect of a body-rub parlour owned or operated by him or her, open such body-rub parlour for business or permit the same to be or to remain open for business or permit any body-rub or services of any kind to be performed, offered or solicited in the said body-rub parlour except between the hours of 9:00 a.m. and 9:00 p.m. on Monday to Saturday, inclusive, and between the hours of 12:00 p.m. and 5:00 p.m. on Sundays and holidays. **[Amended 2005-12-07 by By-law 1055-2005]**
- B. Subject to Subsection A of this section, every owner who operates his or her own body-rub parlour and every operator of a body-rub parlour shall file with the Municipal Licensing and Standards Division a schedule showing the hours of business to be observed by him or her in the carrying on of his or her operation of the body-rub parlour operated by him or 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.

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- E. Either the owner or an operator licensed in respect of such owner's body-rub parlour shall be in attendance at such owner's body-rub parlour at all of the times referred to in Subsection D of this section, and no owner or operator shall permit a body-rub parlour owned or operated by him or her to open for business, to remain open for business, or any body-rubber to enter or remain therein, or any services to be performed, offered or solicited in such body-rub parlour, unless this subsection is complied with.
- F. For the purposes of this section, so long as the time commonly observed in the City of Toronto is one hour in advance of standard time, the times mentioned in this section and in this article shall be reckoned in accordance with the time so commonly observed and not standard time.

§ 545-356. Drugs and alcohol.

- A. No owner, operator or body-rubber shall take, consume or have a liquor or a drug in his or her possession in a body-rub parlour, nor shall the use of liquor or a drug by him or her be apparent while he or she is in a body-rub parlour.
- B. For the purposes of Subsection A, the word "drug" shall be deemed to exclude patent medicines and prescription drugs required for medicinal purposes.
- C. Notwithstanding Subsection A, every owner who operates his or her own body-rub parlour and every operator shall provide and maintain at all times at the body-rub parlour operated by him or her a first-aid kit equipped in a manner satisfactory to the Medical Officer of Health.

§ 545-357. Appearance and behaviour of owners, operators and body-rubbers.

Every owner, operator and body-rubber shall, while engaged in his or her respective trade, business or occupation in a body-rub parlour, be properly dressed, neat and clean in his or her person and civil and well-behaved to members of the public with whom he or she is dealing.

§ 545-358. Use of cameras or other photographic or recording devices.

No owner, operator or body-rubber shall use or permit to be used any camera or other photographic or recording device in, upon or at a body-rub parlour by any person other than a peace officer, Medical Officer of Health or a public health inspector acting under his or her direction, the Municipal Licensing and Standards Division, or any person designated by the Executive Director. [Amended 2015-10-02 by By-law 973-2015]

§ 545-359. Unlicensed persons to comply.

Every person shall comply with the provisions of this chapter applicable to him or her whether or not he or she is licensed under this chapter.

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§ 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 Clubs¹⁷¹

§ 545-362. Definitions.

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

DESIGNATED ENTERTAINMENT AREA - means an area within the club, approved by the Executive Director of Municipal Licensing and Standards Division, or his or her designate, in which services designed to appeal to erotic or sexual appetites or inclinations are or may be provided. This area includes all private booths, rooms, cubicles, or any other area and enclosure where such services are or may be provided. All areas included in the designated entertainment area must provide unobstructed access to all entrances and exits to or in the premises.

ENTERTAINER - A person licensed or required to be licensed under § 545-2A(56).

OWNER, OPERATOR and DESIGNATED MANAGER - Respectively, an owner, operator, or designated manager of an adult entertainment club licensed as such or required to be licensed as such under § 545-2A(55).

PRIVATE ROOM, BOOTH OR CUBICLE - Any space within a designated entertainment area used for the provision of services that is substantially obscured from the view of nearby persons by reason of being partially or fully enclosed by any means whatsoever.

SECURITY PERSONNEL - Any person whose primary responsibility or duty while engaged or hired by an adult entertainment club is to ensure orderly conduct on the premises or to guard, patrol or to provide security to the premises, entertainers, patrons or employees.

SERVICES - Services designed to appeal to erotic or sexual appetites or inclinations, as defined in the definition of "adult entertainment club" in § 545-1.

¹⁷¹ Editor's Note: Art. XXXII, Adult Entertainment Parlours, was replaced February 21, 2013 by By-law 243-2013 with a new Art. XXXII, Adult Entertainment Clubs. This new Art. came into effect February 1, 2013 and was amended by By-law 619-2013. Art. XXXII, Adult Entertainment Clubs, was again replaced May 10, 2013 by By-law 620-2013. This new Art. came into effect July 1, 2013.

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TO PROVIDE and SERVICES DESIGNED TO APPEAL TO EROTIC OR SEXUAL APPETITES OR INCLINATIONS - The meaning given to them respectively in the definition of "adult entertainment club" in § 545-1.

§ 545-363. Application and licensing requirements.

- A. On every application by an individual person for an owner's, operator's, designated manager's or entertainer's licence or for the renewal thereof, the applicant shall attend in person and not by an agent at the offices of the Municipal Licensing and Standards Division and shall complete the prescribed forms and shall furnish to the Municipal Licensing and Standards Division such information as the Municipal Licensing and Standards Division may direct.
- B. In the case of an adult entertainment club owned or operated by a partnership, the attendance required under Subsection A shall be by one of the partners and in the case of an adult entertainment club owned or operated by a corporation, such attendance shall be by an officer of the corporation.
- C. Every applicant for an owner's licence shall, at the time of making his or her application, file with the Municipal Licensing and Standards Division a list showing the names of all operators of and entertainers providing services in his or her adult entertainment club and all such persons intended or expected by him or her to be employed or to provide services in his or her adult entertainment club and shall thereafter maintain a list showing at all times the names of all operators of and entertainers providing services in his or her adult entertainment club; and such owner shall, upon a request made to him or her by the Municipal Licensing and Standards Division, any peace officer or a by-law enforcement officer, produce the list, brought up to date as of the time of the request.
- D. On every application for an owner's, operator's, designated manager's or entertainer's licence by an individual or by a corporation, the applicant shall state:
 - (1) If the applicant is an individual, his or her date of birth; and
 - (2) If the applicant is a corporation, the date of birth of every shareholder or other person having a beneficial interest of any kind in the shares of the corporate applicant or in any of the corporations referred to in § 545-364.
- E. Every applicant referred to in Subsection D and every shareholder, partner or other person referred to in this section or in §§ 545-364, 545-365 or 545-366, shall file with or produce to the Municipal Licensing and Standards Division proof of his or her age, if required to do so by the Municipal Licensing and Standards Division, and no such licence shall be issued unless the Municipal Licensing and Standards Division is satisfied that every such person is of the full age of 18 years.
- F. Every owner or operator applying for or renewing a licence in respect of an adult entertainment club shall file with the Municipal Licensing and Standards Division a copy

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of any licence or permit issued under the *Liquor Licence Act* in respect of such premises and shall advise the Municipal Licensing and Standards Division forthwith of any suspension, cancellation, revocation or termination of the licence or permit issued under the *Liquor Licence Act* or a change to any of its terms.

- G. Every holder of and every applicant for an owner's licence shall submit for approval by the Executive Director, or his or her designate, an up-to-date, detailed floor plan, drawn to scale, of the adult entertainment club. The details on such a floor plan shall include but are not limited to the following:
- (1) The boundaries of any proposed designated entertainment area(s); and
 - (2) The location of seating areas, offices, cloak rooms, enclosures, curtains, disc jockey areas, kitchen facilities, bar areas, dressing or locker rooms, washrooms, storage areas, entrances and exits.
- H. No owner shall change or cause a change to the floor plan referred to in Subsection G without first submitting a revised floor plan containing the information described in that subsection for approval by the Executive Director, or his or her designate.

§ 545-364. Reserved.

[Deleted 2024-05-23 by By-law 492-2024¹⁷²]

§ 545-365. Reserved.

[Deleted 2024-05-23 by By-law 492-2024¹⁷³]

§ 545-366. Declaration to be filed when name of business indicates plurality of members.

- A. Every person applying for an owner's, operator's or entertainer's licence who carries on or intends to carry on his or her business in or relating to an adult entertainment club under a name or designation other than his or her own name or under his or her own name with the addition of the expression "and company" or some other expression indicating a plurality of members in the firm shall, at the time of the making of his or her application, file with the Municipal Licensing and Standards Division a declaration, which shall state:
- (1) His or her full name and the address of his or her ordinary residence;
 - (2) Any name or designation under which he or she carries on or intends to carry on business and the date when the name or designation was first used by him or her;
 - (3) That no other person is associated with him or her in partnership;

¹⁷² Editor's Note: By-law 492-2024 came into force on January 1, 2025.

¹⁷³ Editor's Note: By-law 492-2024 came into force on January 1, 2025.

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- (4) The date of his or her birth; and
 - (5) The mailing address for his or her business.
- B. A person to whom this section relates shall notify the Municipal Licensing and Standards Division immediately of any change in any of the particulars required to be filed with the Municipal Licensing and Standards Division under Subsection A.

§ 545-367. Legal name to be used in application; use of other name or designation.

- A. Every owner, operator, designated manager or entertainer applying for a licence must use his or her own legal name in making such application and subject to Subsection B, no such licence shall be issued to any person in any name other than his or her own legal name.
- B. Every owner, operator or entertainer intending to use some name or designation other than his or her own may, at the time of the issue of his or her licence, or at the time at which he or she files with the Municipal Licensing and Standards Division notice of intention to use such name or designation, have endorsed on his or her licence such name or designation.
- C. No owner, operator or entertainer shall carry on business under any name or designation other than his or her own, unless he or she has filed with the Municipal Licensing and Standards Division a notice of his or her intention to use such name or designation, and no person shall use any name or designation in respect of an adult entertainment club or of any trade, business or occupation carried on therein without first notifying the Municipal Licensing and Standards Division of such name or designation intended to be used and having such name endorsed upon his or her licence in accordance with Subsection B.

§ 545-368. Review of application by governmental agencies.

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

§ 545-369. Licensing requirements of owners and operators.

- A. No adult entertainment club may open for business or operate or be operated unless its owner is licensed as such under this chapter.
- B. Documentation concerning ownership of property.

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- (1) Every person applying for an owner's licence shall file with the Municipal Licensing and Standards Division documentation satisfactory to the Municipal Licensing and Standards Division demonstrating the applicant's right to possess or occupy the premises used by him or her as an adult entertainment club; and if such person is not the registered owner or owner in fee simple of the property upon which the adult entertainment club is located, such person shall file with the Municipal Licensing and Standards Division at the same time a copy of his or her lease, if any, and of any other document constituting or affecting the legal relationship between the said applicant and the said registered owner or owner in fee simple of the real property.
 - (2) For the purpose of this subsection, "registered owner" means the owner as registered pursuant to the *Land Titles Act* or the *Registry Act* as the case may be.
- C. A separate owner's licence shall be taken out in respect of each adult entertainment club.
 - D. Every person who operates, manages, supervises, runs or controls an adult entertainment club shall obtain an operator's licence, but nothing herein relieves an owner of such adult entertainment club from the requirement that he or she obtain an owner's licence.
 - E. An owner, operator or designated manager may, subject to the provisions of this chapter, if his or her licence as an owner or operator is so endorsed by the Municipal Licensing and Standards Division, perform the services of an entertainer in the adult entertainment club of which he or she is the owner, operator or designated manager.
 - F. An owner who operates his or her own adult entertainment club shall notify the Municipal Licensing and Standards Division of this fact at the time he or she obtains his or her licence, and his or her licence may be endorsed accordingly upon payment of the appropriate licence fee, and he or she shall notify the Municipal Licensing and Standards Division and have the said endorsement amended before engaging any operator to operate his or her adult entertainment club.

§ 545-370. Regulations concerning owners and operators.

- A. No owner of an adult entertainment club or premises shall permit any person other than a licensed operator or designated manager to operate such adult entertainment club, except as set out in § 545-385E and F.
- B. No owner or operator shall permit the provision of services upon or at his or her adult entertainment club or pursuant to the operation by him or her of an adult entertainment club by any person other than a licensed entertainer or other person licensed or authorized by or under this chapter so to do.

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- C. No owner shall permit any person, other than an employee of such owner or a person with whom the owner has contracted, to operate his or her adult entertainment club or to provide services in his or her adult entertainment club.
- D. No owner or operator shall permit any entertainer to provide services in any area that has not been approved as a designated entertainment area by the Executive Director, or his or her designate under § 545-363G or H.
- E. No operator not being the owner of an adult entertainment club shall operate the said adult entertainment club unless the owner of the said adult entertainment club is duly licensed as owner under this chapter.
- F. No operator may operate an adult entertainment club unless he or she first notifies the Municipal Licensing and Standards Division of the name of the owner whose adult entertainment club he or she intends to operate and has endorsed upon his or her licence the said owner's name accordingly, and every operator before operating any other adult entertainment club shall notify the Municipal Licensing and Standards Division of his or her intention so to do and have his or her licence endorsed accordingly.

§ 545-371. Written contracts of service.

A copy of every written contract of service, contract for services or other document constituting or pertaining to the relationship between owner and operator of an adult entertainment club or between owner or operator and an entertainer providing services at an adult entertainment club shall be filed with the Municipal Licensing and Standards Division, and the original of any such document shall be made available for inspection at any time by the Municipal Licensing and Standards Division upon request, and shall be retained by the owner or operator for a period of six months after its termination.

§ 545-372. Reserved¹⁷⁴

§ 545-373. Sale, lease or other disposition of adult entertainment club.

- A. No owner's licence shall be transferred, and if an owner sells, leases or otherwise disposes of his or her adult entertainment club or the premises or part thereof upon or in which an adult entertainment club is operated to any person, his or her licence in respect of such adult entertainment club or premises shall, notwithstanding any other provision of this chapter, terminate.
- B. Subject to Subsections D and E, the Toronto Licensing Tribunal may in its discretion issue a new owner's licence to the purchaser, lessee or other person obtaining an interest in an adult entertainment club or the premises or part thereof upon or in which an adult entertainment club has been operated subject also to the following conditions:

¹⁷⁴ Editor's Note: Section 545-372. "Change of address of owner, operator or entertainer" was deleted December 18, 2019 by By-law 1797-2019.

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- (1) That the new applicant qualify under all of the other provisions of this chapter, and that he or she comply with all of the requirements of this chapter relating to him or her;
 - (2) That the new applicant file with the Municipal Licensing and Standards Division the documents relating to ownership and to his or her right to possess or occupy the adult entertainment club, all as required by § 545-370B;
 - (3) That the applicant and the vendor file with the Municipal Licensing and Standards Division an executed copy of a written agreement between the parties containing all the details of the dealings between the parties in respect of such adult entertainment club or premises;
 - (4) That the agreement contain a statutory declaration, in a form supplied by the Municipal Licensing and Standards Division, by both the parties and a further statutory declaration by the solicitor for the purchaser in a form supplied by the Municipal Licensing and Standards Division.
- C. The making of a false or intentionally misleading recital of fact, statement or representation in any such agreement or statutory declaration required by Subsection B shall be deemed a violation of the provisions of this chapter.
- D. Notwithstanding Subsections A and B, the Toronto Licensing Tribunal may in its discretion refuse to issue a licence or licences to a purchaser, lessee or other person obtaining an interest in an adult entertainment club in a transaction under this section when the Toronto Licensing Tribunal is of the opinion that it is not in the public interest, as determined by the Toronto Licensing Tribunal, that such new licence or licences should be issued, and the Toronto Licensing Tribunal shall, upon demand from any party to the transaction, deliver written reasons for such decision.
- E. Upon the sale, lease or other disposition of an adult entertainment club, every operator's licence issued in respect of such adult entertainment club shall terminate, and the Municipal Licensing and Standards Division may, subject to the provisions of this chapter, permit the purchaser, lessee or other person obtaining an interest in such adult entertainment club to operate the adult entertainment club by an endorsement to that effect upon an owner's licence issued to him or her or may issue a new operator's licence to any person previously licensed as an operator in respect of such adult entertainment club.

§ 545-374. Adult entertainment clubs not to be used as dwellings or sleeping quarters.

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

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§ 545-375. Requirements for private rooms, booths or cubicles; obstruction or locking prohibited.

- A. All private rooms, booths or cubicles must have no more than three sides; or have one side constructed of non-opaque material such as glass or plexiglass. When only one side of the private room, booth or cubicle is open or constructed of a non-opaque material, such side may not abut another private room, booth, or cubicle or be placed with four feet of a wall or other solid obstruction. When services are being provided, the view into any private room, booth or cubicle must not be obstructed by any means and must permit an unobstructed view of the interior to anyone in its immediate vicinity and in all lighting conditions.
- B. No means of access to a private room, booth or cubicle shall be equipped or constructed with a locking device of any kind.
- C. All private rooms, booths or cubicles must be equipped with an alert system or signalling device for use by and easily accessible to entertainers; such system or device must be in working order and monitored by security personnel or by an owner or operator at all times.
- D. The interior of any private room, booth or cubicle shall allow for adequate clearance between its occupants and between its occupants and any furniture, walls, partitions, fixtures or objects so as to allow for the unrestricted movement of its occupants.
- E. No entertainer shall provide any services and no owner, operator or designated manager shall permit any services to be provided in any private room, booth or cubicle that does not meet the requirements.

§ 545-376. Bookkeeping requirements.

- A. Every owner who operates his or her adult entertainment club business and every operator shall keep proper records and books of account of all business transacted in, by or in respect of the adult entertainment club operated by him or her, which books shall give the amount of gross receipts for all services provided in the said adult entertainment club, including all receipts for admission fees and other charges and receipts in respect of entry to or services provided in such adult entertainment club, the name and licence number of every entertainer providing services in the said adult entertainment club, including the date of commencement and the date of termination of such services, the amount of salary or commission paid to each entertainer and all amounts paid by the owner to the operator, if any, or by the operator to the owner, in respect of such adult entertainment club or adult entertainment business.
- B. Every owner to whom Subsection A relates and every operator shall keep such books and records as are required by that subsection for at least one year after the information required by that subsection is entered therein, and the Municipal Licensing and Standards Division shall at all times have access to such records.

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§ 545-377. Regulations for operation of adult entertainment clubs.

Every owner who operates his or her own adult entertainment club and every operator of an adult entertainment club shall comply with, and ensure compliance with, the following regulations:

- A. The premises, including all private rooms, booths or cubicles, shall be provided with adequate light and shall be ventilated in accordance with the Ontario Building Code Act, 1992 and its regulations, or any other applicable statute, regulation or by-law.
- B. The premises and all fixtures and equipment, including but not limited to dancing poles and stages, shall be regularly washed and kept in a sanitary condition.
- C. The premises shall have an enclosed dressing or locker room, located outside of any designated entertainment area, for the exclusive use of entertainers, and such dressing or locker room shall provide a secure place for each entertainer to store his or her personal belongings.
- D. All dressing or locker rooms and designated entertainment areas shall have alcohol hand sanitizer dispensers installed in conspicuous locations, and such dispensers must be in good working order and accessible to entertainers, patrons and employees at all times.
- E. The premises shall have an easily-accessible first-aid kit, equipped in a manner satisfactory to the Medical Officer of Health or a public health inspector, or his or her designate.
- F. The premises shall be equipped with an effective utility sink.
- G. Adequate toilet and washroom accommodation shall be provided, and there shall be separate such rooms for males and females.
- H. Washrooms shall be equipped with:
 - (1) An adequate supply of hot and cold water;
 - (2) An adequate supply of liquid soap in a suitable container or dispenser;
 - (3) Hot air dryers or individual clean towels for the use of each person using the washing facilities; and
 - (4) A suitable receptacle for used towels and waste material.
- I. No washroom, toilet, sink or basin used for domestic purposes shall be used in connection with an adult entertainment club.
- J. In all shower-bath rooms, if any, and in all sauna-bath rooms, if any:

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- (1) The floors shall be disinfected at least once a week with a disinfecting solution approved by the Medical Officer of Health;
 - (2) All surfaces and attached accessories of the bath or shower enclosure must be self-draining;
 - (3) All showers must have removable cleanable drain covers; and
 - (4) Floor surfaces both within and without the enclosures shall be of a non-slip type.
- K. Common foot baths shall not be provided on the premises.
- L. Duck-boards or cocoa matting shall not be used in the shower, bath or steam room, and only liquid or powdered soap shall be used in the shower room.

§ 545-378. Owners, operators and designated managers to ensure compliance with regulations.

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

§ 545-379. Signs and advertising.

- A. Every owner and operator licensed under this chapter shall exhibit over the street door or in the lower front window of the premises in respect to which such person's licence is issued or in some other conspicuous place on the exterior of such premises satisfactory to the Executive Director, or his or her designate, a sign issued by the Municipal Licensing and Standards Division bearing the words, "LICENSED ADULT ENTERTAINMENT CLUB No. " (inserting after "No." the owner's licence number), "Comments regarding this business may be made to the Municipal Licensing and Standards Division at 416-392-3082."
- B. Every owner and operator shall post his or her licence issued in respect of an adult entertainment club in a conspicuous place within the premises at all times during the currency of the licence.
- C. No person other than a licensed owner or operator may use the phrase "licensed", "Toronto-licensed" or any words indicating the provision of the services at an adult entertainment club in pursuance of or in connection with any business, trade or occupation carried on in an adult entertainment club in the City of Toronto unless the owner of the premises and every person operating such business and every entertainer engaged in providing services at such premises has been duly licensed so to do by the Municipal Licensing and Standards Division.

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§ 545-380. List of services and fees.

- A. Every operator of an adult entertainment club and every owner who operates his or her own adult entertainment club shall file with the Municipal Licensing and Standards Division a copy of a list of all services provided at the said adult entertainment club and of the respective fees charged for services including admission fees and any other payment charged in respect of entry to the adult entertainment club, and, if any charge be based on a computation of time, the hourly rate shall be shown on such lists.
- B. No operator, owner or entertainer shall charge, demand, ask for or require or permit to be charged, demanded, asked for or required for any services, provided at an adult entertainment club any amount other than that set out in a list filed with the Municipal Licensing and Standards Division, or amendments thereto also filed with the Municipal Licensing and Standards Division.
- C. No operator, owner or entertainer shall provide services at or in respect of an adult entertainment club other than those permitted by endorsement by the Municipal Licensing and Standards Division on the licence of the owner of the adult entertainment club all as described on a list filed with the Municipal Licensing and Standards Division, or amendments thereto also filed with the Municipal Licensing and Standards Division.
- D. Every owner and every operator shall post a copy of the list of services and fees referred to in this section in a conspicuous place in the interior of the adult entertainment club owned or operated by him or her plainly visible to any person upon entering the said premises.

§ 545-381. Owners, operators, designated managers and entertainers to provide name, address and licence upon request; exception for entertainers.

- A. Every owner, operator, designated manager and entertainer providing services at an adult entertainment club or in attendance at an adult entertainment club in pursuance of a trade, business or occupation carried on by the owner or operator of such adult entertainment club, shall, upon a request made to him or her by any peace officer, by-law enforcement officer, Medical Officer of Health or public health inspector acting under the direction of the Medical Officer of Health provide his or her name and residential address, and if he or she is licensed under this chapter in respect of any trade, business or occupation relating to such adult entertainment club, he or she shall produce his or her said licence.
- B. Notwithstanding Subsection A, this section does not require an entertainer to identify himself or herself or produce his or her licence to a Medical Officer of Health or public health inspector.

§ 545-382. Other trades, businesses or occupations in adult entertainment clubs.

- A. Before there is carried on in any adult entertainment club any business, trade or occupation in an adult entertainment club for which a licence is otherwise required by this chapter, the owner of the said adult entertainment club shall attend at the offices of

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the Municipal Licensing and Standards Division and shall apply to have his or her licence endorsed to permit such trade, business or occupation to be carried on in such adult entertainment club, and if the Municipal Licensing and Standards Division authorizes such endorsement, the said owner shall pay the licence fee, if any, required of him or her by the by-law for such a licence.

- B. No owner or operator shall permit any trade, business or occupation for which a licence is required under this chapter to be carried on in an adult entertainment club owned or operated by him or her unless a description of the said trade, business or occupation is endorsed on the owner's licence as provided in this chapter and unless the owner and every other person required to be so licensed has paid the licence fee applicable to him or her.
- C. Every person shall in carrying on or permitting the carrying on of any trade, business or occupation in an adult entertainment club comply with all of the requirements of the by-law relating thereto, including the requirement of licence, if any.

§ 545-383. Minors.

- A. No person under the age of 18 may be or act as an owner, operator or designated manager of an adult entertainment club or provide any services in an adult entertainment club.
- B. No one may provide services in an adult entertainment club to a person under the age of 18 years.
- C. No owner, operator or designated manager shall permit any person under the age of 18 to enter or remain in any adult entertainment club owned, operated or managed by him or her.
- D. This section shall not be deemed to prohibit any person from entering or remaining in any premises licensed as an adult entertainment club except when services are being provided in such premises.

§ 545-384. Patrons not to be intoxicated.

No owner, operator or designated manager shall permit any person who appears to be intoxicated by alcohol or a drug to enter or remain in any adult entertainment club owned, operated or managed by him or her.

§ 545-385. Hours of operation; schedule of hours of operation to be filed; means of access to remain unobstructed.

- A. No owner or operator shall, in respect of an adult entertainment club owned or operated by him or her, open or permit to remain open for business such adult entertainment club or permit any services of any kind to be provided in the said adult entertainment club at any time between the hours of 1:00 a.m. and 8:00 a.m. of the same day.

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- B. Subject to Subsection A, every owner who operates his or her own adult entertainment club and every operator of an adult entertainment club shall file with the Municipal Licensing and Standards Division a schedule showing the hours of business to be observed by him or her in the carrying on of his or her operation of the adult entertainment club, which schedule shall state specifically the opening and closing times of the said adult entertainment club for each day of the week.
- C. No person shall permit an adult entertainment club owned, operated or managed by him or her to be open for business at any time other than the times set forth in a schedule filed with the Municipal Licensing and Standards Division pursuant to Subsection B.
- D. During the hours of business of an adult entertainment club set forth in the schedule filed with the Municipal Licensing and Standards Division in accordance with Subsection B, or at any time at which an entertainer is in attendance at an adult entertainment club, it shall be the responsibility of the owner, operator and designated manager, if any, to ensure that the door or doors or other principal means of access into the adult entertainment club by the public shall be kept unlocked and available so that anyone coming into the adult entertainment club from the street or other public place may enter without hindrance or delay.
- E. Either the owner, operator or designated manager licensed in respect of an adult entertainment club shall be in attendance at such adult entertainment club at all times during its hours of operation, and no owner or operator shall permit an adult entertainment club owned or operated by him or her to open for business, or remain open for business, or any entertainer to enter or remain therein, or any service to be provided at such entertainment club unless this subsection is complied with.
- F. Notwithstanding Subsection E, an owner, operator or designated manager may, in case of an emergency or on a temporary basis, appoint another employee of the club to supervise its daily operations in the owner's or designated manager's absence.
- G. For the purposes of this section, so long as the time commonly observed in the City of Toronto is one hour in advance of standard time, the times mentioned shall be reckoned in accordance with the time so commonly observed and not standard time.

§ 545-386. Drugs and alcohol.

- A. No owner, operator, designated manager or entertainer shall consume liquor or drugs while working in an adult entertainment club, nor shall the use of liquor or any drug impair his or her ability to operate, manage or offer services in an adult entertainment club.
- B. For the purposes of Subsection A, the word "drug" shall be deemed to exclude patent medicines and prescription drugs required for medicinal purposes.

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§ 545-386.1. Exemption from certain provisions for adult entertainment clubs licensed under the Liquor Licence Act.

[Added 2013-12-18 by By-law 1705-2013¹⁷⁵]

Subsections 545-385A, B, C and G and 545-386 do not apply to adult entertainment clubs licensed under the Liquor Licence Act.

§ 545-387. Appearance and behaviour of owners, operators and entertainers.

Every owner, operator and entertainer shall, while engaged in his or her respective trade, business or occupation in an adult entertainment club, be neat and clean in his or her person and civil and well-behaved to members of the public with whom he or she is dealing.

§ 545-388. Use of cameras or other photographic or recording devices.

- A. No owner, operator, designated manager or entertainer shall use or permit to be used any camera or other photographic or recording device in, upon or at an adult entertainment club by any person other than a peace officer, Medical Officer of Health or a public health inspector acting under his or her direction or a by-law enforcement officer.
- B. Subsection A shall not apply to cameras installed in an adult entertainment club for security purposes in areas other than washrooms and dressing or change rooms.
- C. If cameras are installed in an adult entertainment club for security purposes, the owner or operator of such adult entertainment club shall ensure that signs are posted in conspicuous locations, including each entrance to the adult entertainment club and in each designated entertainment area to notify its occupants of the use of security cameras, and such signs must be legible and clearly visible to anyone approaching.
- D. No owner or operator shall disclose, distribute, make available or allow any person to disclose, distribute or make available any information recorded by a camera or other photographic or recording device installed or used in the adult entertainment club, except where such information is required for training employees of the adult entertainment club, use in a law-enforcement process, or as part of an insurance claim regarding the operations of the adult entertainment club.
- E. Every owner shall ensure that any information recorded by a camera or other photographic or recording device installed or used in his or her adult entertainment club is adequately protected, both physically and electronically, against loss, theft, unauthorized access, disclosure, copying, use or modification and ensure that such information is accessible only to him or her, or an operator or designated manager of the adult entertainment club.

¹⁷⁵ Editor's Note: By-law 1705-2013 came into effect December 16, 2013.

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- F. Notwithstanding Subsections D and E, the Medical Officer of Health, public health inspectors, peace officers and the Municipal Licensing and Standards Division shall be given access, on demand, to any camera or other photographic or recording device installed or used in the adult entertainment club and may view and copy any information recorded thereon for the purpose of inspection or investigation under this chapter or any other law.
- G. Every applicant for an owner's licence, at the time he or she applies for such licence, or every holder of an owner's licence, upon demand of the Executive Director or her or her designate, shall file a privacy and security plan regarding any cameras or photographic or recording devices installed or used in the adult entertainment club with the Municipal Licensing and Standards Division, which details:
- (1) The measures put in place to restrict access to the information recorded;
 - (2) A reasonable period after which the information recorded shall be destroyed, unless such information is required for the purpose of a lawsuit or insurance claim; and
 - (3) The process by which recorded information will be destroyed or disposed of securely.
- H. At least seven days prior to making any change to the privacy and security plan referred to in Subsection G, an owner must submit a list in writing of the proposed changes to the Executive Director, or his or her designate.
- I. Before engaging any person to provide services in an adult entertainment club, an owner or operator must provide him or her with notice of the presence, if applicable, of security cameras or other photographic or recording devices installed or used in the adult entertainment club.
- J. Before installing any new camera or other photographic or recording device, or changing the location of an existing camera or other photographic or recording device in an adult entertainment club, its owner or operator must inform each entertainer of such changes, in writing.
- K. Nothing in this section shall preclude an entertainer from using a camera or other photographic or recording device outside of the operating hours of the adult entertainment club for the purpose of recording his or her own performance or practice.

§ 545-389. Unlicensed persons to comply.

Every person shall comply with the provisions of this chapter applicable to him or her whether or not he or she is licensed under this chapter.

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§ 545-390. Compliance with other provisions.

Notwithstanding any provision in this article, nothing herein permits the contravention of any provision in this chapter or in any other by-law of City Council.

§ 545-391. Number of owners' licences restricted.

The number of owners' licences which may be granted by the Municipal Licensing and Standards Division in respect of adult entertainment clubs shall be limited to 63.

§ 545-392. Owners and operators not to permit entertainers to have physical contact with other persons.

No owner, operator or designated manager of an adult entertainment club shall:

- A. Permit any entertainer to touch, sit on, rest on or make any physical contact with the covered, partially covered or uncovered breasts, buttocks, genital, pubic, anal or perineal areas of a patron or other person when providing services at the adult entertainment club.
- B. Permit any patron to touch, sit on, rest on or make any physical contact with the covered, partially covered or uncovered breasts, buttocks, genital, pubic, anal or perineal areas of any entertainer or other employee.

§ 545-393. Patrons not to have physical contact with other persons.

[Added 2013-07-19 by By-law 1015-2013¹⁷⁶]

No patron of an adult entertainment club shall touch, sit, or rest on, or make any physical contact with the covered, partially covered, or uncovered breasts, buttocks, genital, pubic, anal and perineal areas of any entertainer or any other person.

§ 545-394. Entertainers not to have physical contact with other persons.

No entertainer shall touch, sit on, rest on or make any physical contact with the covered, partially covered or uncovered breasts, buttocks, genital, pubic, anal or perineal areas of a patron or any other person when providing services at an adult entertainment club.

§ 545-395. Entertainers to perform only within the designated entertainment area.

- A. No owner, operator or designated manager shall permit services to be provided in any area of the premises other than a designated entertainment area shown on the approved floor plan filed pursuant to § 545-363G or H with the Municipal Licensing and Standards Division.

¹⁷⁶ Editor's Note: By-law 1015-2013 renumbered §§ 545-393 to 545-397 as §§ 545-394 to 545-398 and added new § 545-393. By-law 1015-2013 came in effect July 1, 2013.

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- B. No owner, operator or designated manager shall permit any portion of the designated entertainment area to be fully obstructed from view.

§ 545-396. Notices to be posted.

- A. Every owner or operator shall post notices in a conspicuous location in all entertainers' dressing or locker rooms, at all public entrances and exits, in the washrooms, and in the designated entertainment area, including each private room, cubicle or booth, in a format approved by the Municipal Licensing and Standards Division that include the following statements:

- (1) Physical contact with the entertainers' breasts, buttocks, genital, pubic, anal, and perineal areas, as well as other unwanted physical contact is prohibited under Municipal Code Chapter 545, Licensing and may also constitute an assault or sexual assault under the Criminal Code of Canada; and
- (2) Health Notice: Certain sexually transmitted infections such as herpes and human papilloma virus (HPV) can be passed on through contact with the genitals or skin.

For more information on this or any other sexual health concern, please call the AIDS and Sexual Health InfoLine at 416-338-2437.

For other health or social services information, you may call 211 to be linked to an appropriate service, or contact the Workers Action Centre at 416-531-0778.

- B. Every owner or operator shall post notices in a conspicuous location in all entertainers' dressing or locker rooms and at all public entrances and exits in a format approved by the Municipal Licensing and Standards Division that include the following contact information:

- (1) Municipal Licensing and Standards Division, Complaints and Information Line: 416-392-3082 or toll-free 1-877-868-2947;
- (2) Toronto Police Services (Non-emergency line): 416-808-2222; and
- (3) Ontario Ministry of Labour, Health and Safety Centre: 1-877-202-0008.

§ 545-397. Provision of security personnel.

- A. Every owner of an adult entertainment club shall ensure that all security personnel are licensed under the *Private Security and Investigative Services Act* in the Province of Ontario.

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- B. Every owner of an adult entertainment club shall ensure that all security personnel wear identification or clothing by which they can readily be identified as security personnel while on duty.

§ 545-398. Transitional provisions.

Every owner of an adult entertainment club shall comply with the provisions of this by-law with respect to the construction of private rooms, booths, or cubicles, the provision of security personnel, and the installation of an alert system or signalling device no later than March 1, 2014.

ARTICLE XXXIII
(Reserved)¹⁷⁷

§§ 545-399 to 545-414. Reserved

ARTICLE XXXIV
Plumbing Contractors, Plumbers, Master Plumbers, Drain Contractors and Drain Layers

§ 545-415. Examination of applicants for drain layer's licence; certification of applicants for master plumber's licence.

[Amended 2009-12-04 by By-law 1247-2009¹⁷⁸]

- A. Every applicant for a master plumber's licence shall submit to the Executive Director, Municipal Licensing and Standards Division, a certificate of qualification issued by the Province of Ontario.
- B. Every applicant for a drain layer's licence who does not hold a certificate of qualification as a plumber shall be examined by an Examining Panel, as hereinafter constituted, on his or her knowledge of the provisions of this chapter and of all relevant codes and standards relating to the laying of drains.
- C. Before being examined, the applicant shall pay to the Municipal Licensing and Standards Division the prescribed examination fee.
- D. The Examining Panel shall report the result of each examination to the Municipal Licensing and Standards Division.

¹⁷⁷ Editor's Note: Former Art. XXXIII, Electrical Contractors and Master Electricians, comprised of §§ 545-399 through 545-414, was repealed May 27, 2009 by By-law 609-2009.

¹⁷⁸ Editor's Note: This by-law corrects a drafting error pertaining to By-law 609-2009, adopted May 27, 2009, which inadvertently repealed the examination fee and reporting requirements for the examination of drain layers. By-law 1247-2009 provided that it comes into force May 27, 2009.

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§ 545-416. Examining Panel.

[Amended 2009-05-27 by By-law 609-2009]

- A. The Executive Director, Municipal Licensing and Standards Division, is authorized to establish Examining Panels and select members from a pool of qualified examiners, as required, in accordance with the following criteria:

The Examining Panel shall consist of:

- (1) A chair who is conversant with the skills and has the knowledge required to exercise the several trades, businesses or occupations to which this article relates, and is familiar with the pertinent legislation concerning the same; and
 - (2) Two persons who shall be qualified as licensed master plumbers with at least 10 years' experience as master tradesmen, or as persons who teach such trade in a trade school in the Province of Ontario.
- B. The members of the Examining Panel shall be selected to serve for 18 months, and until their successors are selected, and shall be eligible for re-selection and shall be paid such salary or other remuneration as may be fixed by City Council.
- C. For the purpose of an examination, two members of the Panel shall constitute a quorum.

§ 545-417. Plumbing and drain contractors to have regular place of business; minimum age.

No person shall be licensed as a plumbing contractor or as a drain contractor unless he or she has a regular place of business and, if other than a corporation, is of the full age of 18 years.

§ 545-418. Notification upon change of address.

In addition to furnishing any information required under this chapter, every applicant for a plumbing contractor's licence or for a drain contractor's licence shall in his or her application truly and accurately set out the mailing address of his or her proposed business premises, and every holder of such a licence shall notify the Municipal Licensing and Standards Division in writing within 48 hours of any change in his or her business address.

§ 545-419. Drain contractors and drainlayers to provide itemized account.

Every drain contractor and drainlayer shall, before receiving payment from any person for work done or material supplied, give to such person an itemized account setting out the hours worked and the materials supplied with the respective charges therefor.

§ 545-420. Identification of vehicles used by plumbing and drain contractors; advertisements.

- A. Every plumbing contractor shall ensure that:

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- (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.¹⁷⁹

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

[Amended 2009-05-27 by By-law 609-2009]

The Executive Director or his or her designate may require any person to whom this article relates to sit for a re-examination by the Examining Panel but not more than once in a five-year period.

§ 545-423. Plumbers to be licensed; apprentices.

- A. Save as provided by Subsections B and C hereof, no plumbing contractor or master plumber shall cause or permit any person not licensed under this chapter as a master plumber or a holder of Certificate of Qualification, Plumbing, Province of Ontario, to do or perform or assist in the doing or performing of any plumbing or plumbing work.
- B. Notwithstanding Subsection A, a plumbing contractor or master plumber who employs a helper or one or more persons registered with the Ministry of Training, Colleges and

¹⁷⁹ Editor's Note: Former § 545-421, Re-examination of master plumbers upon failure to renew licence, was repealed May 27, 2009 by By-law 609-2009.

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Universities of the Province of Ontario as an indentured apprentice in the plumbing trade (and hereafter referred to as "apprentices") may permit such helper, apprentice, or apprentices to assist in the doing or performing of plumbing or plumbing work, provided each such helper or apprentice, while so engaged, is in the constant presence of and under the direct continuous personal supervision of a licensed master plumber or a holder of Certificate of Qualification, Plumbing, Province of Ontario, continuously employed on the same job or contract.

- C. No master plumber or holder of Certificate of Qualification, Plumbing, Province of Ontario, shall have under his or her direct, personal supervision as an assistant under Subsection B above more than one helper or apprentice plumber at any one time.

§ 545-424. Requirements for plumbing contractor's licence; work to be supervised by master plumber.

- A. No person other than a licensed master plumber or the regular full-time employer of a licensed master plumber may be issued a plumbing contractor's licence or may continue to hold such licence.
- B. No licensed contractor shall perform or permit to be performed any plumbing work that is not under the direct, personal supervision of a master plumber.

§ 545-425. Employment of master plumbers by plumbing contractors.

- A. No master plumber shall act as such for more than one plumbing contractor at one time.
- B. A master plumber shall notify the Municipal Licensing and Standards Division forthwith upon ceasing to act as a master plumber for one plumbing contractor or employer and upon commencing to act as a master plumber for another plumbing contractor or employer, and such master plumber shall, within seven days after so changing his or her employment, personally attend at the offices of the Municipal Licensing and Standards Division and produce his or her licence to have such change of employment noted and endorsed thereon. **[Amended 2012-02-07 by By-law 206-2012]**
- C. No plumbing contractor shall employ a master plumber as such unless and until such plumbing contractor's name has been endorsed on such master plumber's licence as his or her employer in accordance with Subsection B hereof, and no master plumber shall commence work with any plumbing contractor or other employer until his or her licence has been so endorsed.

§ 545-426. Reserved.¹⁸⁰

¹⁸⁰ Editor's Note: Former § 454-426, Maintenance master plumber, was repealed May 19, 2005 by By-law 372-2005.

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ARTICLE XXXV

Heating Contractors, Master Steam and Hot Water Heating Installers, and Master Warm Air Heating Installers

§ 545-427. Heating contractors to have regular place of business; minimum age.

No person shall be licensed as a heating contractor unless he or she has a regular place of business and, if other than a corporation, is of the full age of 18 years.

§ 545-428. Notification of business address.

In addition to furnishing any information required of him or her under this chapter, every applicant for a heating contractor's licence shall, in his or her application, truly and accurately set out the mailing address of his or her proposed business premises, and every holder of such licence shall notify the Municipal Licensing and Standards Division in writing within two days of any change of his or her business address.

§ 545-429. Identification of vehicles used by heating contractors; advertisements.

A. Every heating contractor shall ensure that:

- (1) All vehicles used by him or her in the course of business bear on both sides of each such vehicle in letters and figures not less than 10 centimetres in height and clearly legible at a distance of six metres the words "Toronto Licence No." followed by the number of the licence issued by the Municipal Licensing and Standards Division to such contractor; and
- (2) All stationery, forms, bills, invoices, statements and any other printed or written advertising material, including any published advertisement in a newspaper, periodical, directory or other publication, used by such contractor in the course of such business bear in clearly legible letters and figures the same inscription.

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

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person may permit such helper or other unlicensed person to assist in the doing of heating work or in the installation of any heating system; provided each such helper or unlicensed person while so doing is in the constant presence of and under the direct continuous personal supervision of a licensed master steam and hot water heating installer or a holder of Certificate of Qualification, Steam Fitter, Province of Ontario; or warm air heating installer or a holder of Certificate of Qualification, Sheet Metal, Province of Ontario.

- C. No master steam and hot water heating installer or a holder of Certificate of Qualification, Steam Fitter, Province of Ontario; or warm air heating installer or a holder of Certificate of Qualification, Sheet Metal, Province of Ontario, shall have under his or her direct, personal supervision as an assistant under Subsection B above more than one helper or unlicensed person at any one time.

§ 545-431. Requirements for heating contractor's licence; work to be supervised by steam and hot water heating installer or master warm air heating installer.

- A. No person other than a licensed master steam and hot water heating installer or master warm air heating installer or the regular full-time employer of a licensed master steam and hot water heating installer or master warm air heating installer may be issued a heating contractor's licence or may continue to hold such licence.
- B. No heating contractor shall perform or permit to be performed any heating work that is not under the direct, personal supervision of a master steam and hot water heating installer or master warm air heating installer.

§ 545-432. Employment of master steam and hot water heating installer or master warm air heating installer by heating contractors.

- A. No master steam and hot water heating installer or master warm air heating installer shall act as such for more than one heating contractor at one time.
- 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.

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ARTICLE XXXVI

**Chimney Repairmen; Persons Renovating Buildings; Construction of Radiation
Fall-Out Shelters**

§ 545-433. Examination of applicants.

- A. Every applicant for a chimney repairman's licence and every applicant for a licence to engage in the business of altering, repairing or renovating buildings or structures or constructing radiation fall-out shelters shall be examined by the Examining Panel as hereinafter constituted touching the provisions of this chapter and of all relevant codes and standards relating to the repair of chimneys or the type of business for which he or she requires a licence, and his or her licence, if granted, shall be so endorsed to show the work for which he or she has qualified and is entitled to carry on under the said licence.
[Amended 2009-05-27 by By-law 609-2009]
- B. Before being examined, the applicant shall pay to the Municipal Licensing and Standards Division the prescribed examination fee.
- C. The Examining Panel shall report the result of each examination to the Municipal Licensing and Standards Division. **[Amended 2009-05-27 by By-law 609-2009]**

§ 545-434. Examining Panel.

[Amended 2009-05-27 by By-law 609-2009]

- A. The Executive Director, Municipal Licensing and Standards Division, is authorized to establish Examining Panels and select members from a pool of qualified examiners, as required, in accordance with the following criteria:

The Examining Panel shall consist of:
 - (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.

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§ 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. Reserved¹⁸¹

§ 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 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.

¹⁸¹ Editor's Note: Section 545-436. "Notification upon change of address" was deleted December 18, 2019 by By-law 1797-2019.

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§ 545-439. Authority of Executive Director to require re-examination.

[Amended 2009-05-27 by By-law 609-2009]

The Executive Director or his or her designate may require any person to whom this article relates to sit for a re-examination by the Examining Panel but not more than once in a five-year period.

§ 545-440. Use of trade names.

A person licensed as a building renovator may carry on business under a trade name or name other than his or her own but shall not carry on business under more than one name, and only one licence shall be issued.

§ 545-441. Building renovator to ensure work done by licences workers.

- A. No person carrying on business as a building renovator shall perform any type of work as a building renovator unless his or her licence is endorsed to show that he or she has qualified to perform the type of work being done or he or she has in his or her employ, throughout the performance of the work, a person who is licensed as a building renovator and whose licence is endorsed to show that he or she has qualified to perform such work.
- B. No building renovator shall employ any person other than a licensed chimney repairman to do chimney repair work.

§ 545-442. Regulations concerning building renovators; written contracts.

Every person licensed or required to be licensed under this chapter as a building renovator shall observe or cause to be observed the following regulations:

- A. Before commencing any work, a building renovator shall enter into a written contract with the person for whom the work is to be performed to be signed by the renovator and such person and to be in the form attached hereto as Appendix I located at the end of this chapter.
- 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

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or his or her designate, and the building renovator shall not enter into any collateral or supplemental agreement or arrangement whose terms are repugnant to or inconsistent with the contract.

ARTICLE XXXVII
Private Parking Enforcement Agencies

§ 545-443. Definitions.

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

AGENCY - A private parking enforcement agency licensed or required to be licensed under this chapter.

DESIGNATED MANAGER - A person designated to maintain control over the management and operations of an agency in accordance with § 545-445 of this article.

ISSUANCE OF A DOCUMENT- Shall include: to personally hand a document to the vehicle owner or driver, to leave a document on the vehicle with the intention that the vehicle owner will recover it, to mail it to the vehicle owner, or to cause the document to be delivered to the vehicle owner in any other fashion. **[Added 2004-07-22 by By-law 725-2004]**

OCCUPANT:

- A. The tenant of the property or part thereof, whose consent shall extend only to the control of the land held by such tenant and any parking spaces allotted to such tenant under the lease or tenancy agreement;
- B. The spouse or same-sex partner of the tenant; or
- C. A person authorized in writing by an occupant as defined in Subsection A or B of this definition to act on the occupant's behalf to request parking enforcement services.

OWNER (when used in relation to property):

- A. The registered owner of the property;
- B. The registered owner of a condominium unit, whose consent shall extend only to the control of the owner's unit and any parking spaces allotted to the owner's unit and any parking spaces allotted to the owner by the condominium corporation or reserved for the owner's exclusive use in the declaration or description of the property;
- C. The spouse or same-sex partner of a person described in Subsection A or B of this definition;
- D. Where the property is included in a description registered under the Condominium Act, the board of directors of the condominium corporation; or
- E. A person authorized in writing by the owner as defined in this section to act on the owner's behalf to request parking enforcement services.

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OWNER (when used in relation to a vehicle) - The registered owner of the vehicle and any person authorized by such owner to exercise control over the vehicle.

PRIVATE PARKING ENFORCEMENT COURSE - The private parking enforcement course approved by the Chief of Police of the Toronto Police Service.

VEHICLE POUND - Any motor vehicle pound, motor vehicle body shop, public garage or any other yard, shop, building or place used for the storage or holding of any vehicle removed or caused to be removed from private property without the consent of the owner of the vehicle.

WARNING NOTICE - Any document that provides or is intended to provide notification to a vehicle owner or driver that a City of Toronto penalty notice or Toronto Police Service tow card may be issued to that vehicle. [Added 2015-07-09 by By-law 804-2015¹⁸²; amended 2017-07-07 by By-law 797-2017¹⁸³]

§ 545-444. Private parking enforcement course to be completed.

- A. Every person applying for, or holding, a licence as an agency shall employ one or more municipal law enforcement officers who have successfully completed the private parking enforcement course, and shall ensure that parking enforcement activities are only undertaken by municipal law enforcement officers. [Amended 2004-07-22 by By-law 725-2004]
- B. For the purposes of Subsection A of this section, the designated manager of an applicant for a licence as an agency shall be deemed to be an applicant for a licence.

§ 545-445. Designation of manager; control over management and operations to be delegated.

- A. Every agency which is an individual person shall maintain control over the management and operations of his or her agency and shall not delegate this responsibility.
- 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

¹⁸² Editor's Note: By-law 804-2015 came into force September 1, 2015.

¹⁸³ Editor's Note: By-law 797-2017 came into effect August 28, 2017.

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licensed agency and by the person so designated, showing the business address of each of them, on a form provided by the Municipal Licensing and Standards Division.

- E. When any person designated by an agency, as shown on a notice of designated manager filed with the Municipal Licensing and Standards Division under this section, ceases to have control over the management and operations of the agency, the agency shall file with the Municipal Licensing and Standards Division a new notice of designated manager within three days of the date upon which the cessation of control occurred.
- F. Every person designated by an agency in accordance with this section shall have successfully completed the private parking enforcement course. **[Amended 2004-07-22 by By-law 725-2004]**

§ 545-446. Reserved.

[Deleted 2024-05-23 by By-law 492-2024¹⁸⁴]

§ 545-447. Reserved.

[Deleted 2024-05-23 by By-law 492-2024¹⁸⁵]

§ 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;

¹⁸⁴ Editor's Note: By-law 492-2024 came into force on January 1, 2025.

¹⁸⁵ Editor's Note: By-law 492-2024 came into force on January 1, 2025.

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- (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. Reserved.¹⁸⁶
- C. Reserved.
- D. Every agency shall notify the Toronto Police Service Parking Enforcement Unit in writing of the expiration or other sooner termination of any agreement to which such agency is a party or of any change in such agreement, within 10 days thereof. **[Amended 2015-07-09 by By-law 804-2015¹⁸⁷]**
- E. A written agreement shall be filed with the Toronto Police Service Parking Enforcement Unit within 10 days of the date at which the agreement or the exercise of any rights or obligations pursuant thereto becomes effective, whichever occurs first. **[Amended 2015-07-09 by By-law 804-2015¹⁸⁸]**
- F. Every agency shall, prior to the renewal of its licence, file with the Municipal Licensing and Standards Division a statutory declaration, in a form provided by the Division, stating that the agency has reviewed all of the agreements to which such agency is a party and that such agreements comply with all of the provisions of this chapter.

§ 545-450. Pre-conditions to removal of vehicles.

- A. Every agency shall ensure that no person employed, engaged or otherwise acting under such agency's authority removes or causes to be removed any vehicle parked on private property without the consent of the owner of the vehicle unless:
- (1) Signs are posted at the property from which the vehicle is to be removed in accordance with the applicable by-law of the City of Toronto enacted pursuant to the Municipal Act, 2001, or its predecessor; **[Amended 2004-07-22 by By-law 725-2004]**
 - (2) Subject to Subsection B of this section, a penalty notice has first been issued and served in accordance with Chapter 610, Penalties, Administration of; and **[Amended 2017-07-07 by By-law 797-2017¹⁸⁹]**

¹⁸⁶Subsections 545-449B and C were deleted by By-law 804-2015 which came into force September 1, 2015.

¹⁸⁷Editor's Note: By-law 804-2015 came into force September 1, 2015.

¹⁸⁸Editor's Note: By-law 804-2015 came into force September 1, 2015.

¹⁸⁹Editor's Note: By-law 797-2017 came into effect August 28, 2017.

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- (3) All pre-conditions to the removal of vehicles contained in any applicable by-law of the City of Toronto enacted pursuant to the Municipal Act, 2001, or its predecessor, have been complied with, including, but not limited to, any waiting periods prescribed by such by-laws. **[Amended 2004-07-22 by By-law 725-2004]**
- B. Subsection A(2) does not apply to vehicles which do not bear a number plate issued under the Highway Traffic Act, as amended.
- C. No person employed, engaged or otherwise acting under the authority of an agency shall issue any document, tag, ticket or notice, or request or demand for payment in relation to vehicles parked on private property, other than: **[Added 2004-07-22 by By-law 725-2004; amended 2015-07-09 by By-law 804-2015¹⁹⁰]**
- (1) a penalty notice under Chapter 610, Penalties, Administration of; **[Amended 2017-07-07 by By-law 797-2017¹⁹¹]**
- (2) a Toronto Police Service tow card; and
- (3) a warning notice.
- D. Every agency shall ensure compliance with § 545-450C. **[Added 2015-07-09 by By-law 804-2015¹⁹²]**

§ 545-450.1. Restraining and immobilizing vehicles prohibited.

[Added 2015-07-09 by By-law 804-2015¹⁹³]

No person employed, engaged or otherwise acting under the authority of an agency shall restrain or immobilize a vehicle in any manner whatsoever and every agency shall ensure compliance with this section.

§ 545-451. Commissions prohibited.

- A. No agency shall pay or provide, directly or indirectly, any fee, commission, gift or other consideration to an owner or occupant of property in return for permitting such agency to provide or perform parking enforcement services.
- B. No agency shall demand or receive, directly or indirectly, any fee, commission, gift or other consideration from any person who owns or has an interest in any business providing towing services, in return for permitting or authorizing such business to tow a vehicle parked on private property without the consent of the owner or occupant of the property.
- C. No agency shall demand or receive, directly or indirectly, any fee, commission, gift or other consideration from any person who owns or has an interest in any vehicle pound, in

¹⁹⁰ Editor's Note: By-law 804-2015 came into force September 1, 2015.

¹⁹¹ Editor's Note: By-law 797-2017 came into effect August 28, 2017.

¹⁹² Editor's Note: By-law 804-2015 came into force September 1, 2015.

¹⁹³ Editor's Note: By-law 804-2015 came into force September 1, 2015.

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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
(Reserved)**

§§ 545-452 to 545-471. Reserved.¹⁹⁴

**ARTICLE XXXIX
(Reserved)**

§§ 545-472 to 545-491. Reserved.¹⁹⁵

**ARTICLE XL
Temporary Sign Providers
[Added 2005-07-21 by By-law 698-2005¹⁹⁶]**

§ 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.

¹⁹⁴ Editor's Note: The Province of Ontario has passed the Traditional Chinese Medicine Act S.O. 2006, to regulate the practice of Traditional Chinese Medicine and Acupuncture as a Regulated Health Profession, which removed the need for municipal regulation of these professions. Article XXXVIII was repealed July 14, 2011 by By-law 982-2011.

¹⁹⁵ Editor's Note: Art. XXXIX, Owners and Drivers of Limousines and Limousine Service Companies, was repealed by By-law 575-2016 effective July 14, 2016. By-law 575-2016 also enacted (new) Chapter 546, Licensing of Vehicles-For-Hire.

¹⁹⁶ Editor's Note: This by-law stated that it comes into force 60 days after enactment (September 20, 2005).

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- C. A certified copy or certificate of the policy of insurance shall be deposited with the Municipal Licensing and Standards Division.

**ARTICLE XLI
(Reserved)**

§§ 545-493 to 545-449. Reserved.

[Added 2006-02-02 by By-law 20-2006; Deleted 2024-05-23 by By-law 492-2024¹⁹⁷]

**ARTICLE XLII
Clothing Drop Box**

[Added 2006-09-27 by By-law 800-2006¹⁹⁸]

§ 545-500. Definitions.¹⁹⁹

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.

RELIGIOUS INSTITUTION - An association of persons that is registered as a charity under the federal Income Tax Act, R.S.C. 1985, c. 1 (5th Supp.), or successor legislation, and is organized for the advancement of religion and for the conduct of religious worship, services or rites.

§ 545-501. Reserved.²⁰⁰

§ 545-502. Additional information to be filed with application for operator's licence.

[Amended 2013-05-10 by By-law 599-2013²⁰¹]

- A. In addition to any information required to be furnished under this chapter, every applicant for a licence as an operator shall:
- (1) Provide a list of the number and locations of all of his or her clothing drop boxes in the City of Toronto;
 - (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

¹⁹⁷ Editor's Note: By-law 492-2024 came into force on January 1, 2025.

¹⁹⁸ Editor's Note: This by-law came into force January 1, 2007.

¹⁹⁹ Editor's Note: The definition of "Operator" was deleted December 18, 2019 by By-law 1797-2019.

²⁰⁰ Editor's Note: By-law 599-2013 repealed § 545-501, "Endorsement requirement". This by-law came into force September 1, 2013.

²⁰¹ Editor's Note: By-law 599-2013 came into force September 1, 2013.

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- permission from the property owner to operate the clothing drop box at that location;
and
- (3) A charity, religious institution or community organization shall provide proof to the satisfaction of the Executive Director that the organization is a charity, religious institution or community organization. **[Added 2019-07-18 by By-law 1098-2019²⁰²]**
- 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. Reserved.²⁰³

§ 545-504. Change or addition of clothing drop box location.

[Amended 2013-05-10 by By-law 599-2013²⁰⁴]

- A. No operator shall operate a clothing drop box in any location other than the location in respect of which the licence has been issued.
- B. Despite § 545-504A, an operator who wishes to move a clothing drop box may apply for an amendment to the licence issued in respect of such clothing drop box by:
- (1) Paying the fee prescribed by § 545-507 of this article; and
 - (2) Providing proof satisfactory to the Executive Director or his or her designate that the operator has permission from the property owner to operate the clothing drop box at that location.

§ 545-505. General requirements.

- A. Each operator shall: **[Amended 2013-05-10 by By-law 599-2013²⁰⁵]**
- (1) Display the name of the operator in a conspicuous place on the clothing drop box, in lettering no smaller than 100 millimetres x 75 millimetres, and of a contrasting colour;
 - (2) Display the words: "Not a Charity, Community Organization or Religious Institution" immediately below the name of the operator, in lettering no smaller than 80 millimetres x 60 millimetres, and of a contrasting colour;
 - (3) Display the licence number on a conspicuous part of the clothing drop box;

²⁰² Editor's Note: By-law 1098-2019 comes into force October 1, 2019.

²⁰³ Editor's Note: By-law 599-2013 repealed § 545-503, "Sticker". This by-law came into force September 1, 2013.

²⁰⁴ Editor's Note: By-law 599-2013 came into force September 1, 2013.

²⁰⁵ Editor's Note: By-law 599-2013 renumbered § 545-505A(3) as (4) and added a new (3). This By-law came into force September 1, 2013.

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- (4) If any of the clothing collected by means of the clothing drop box is used to benefit a charity, community organization or religious institution, immediately below the message described in § 545-505A(2), in lettering no smaller than 80 millimetres x 60 millimetres, and of a contrasting colour, state the amount (as a percentage of sales) dedicated to charities, community organizations or religious institutions; and
- (5) A charity, religious institution or community organization is exempt from the requirements of § 545-505A(2). [Added 2019-07-18 by By-law 1098-2019²⁰⁶]

§ 545-506. Litter control.

Every operator shall ensure that the clothing drop box is clean, in good repair and is free of graffiti and shall ensure that all areas immediately adjacent to the clothing drop box are clean and free of litter, waste and other debris. [Amended 2017-04-28 by By-law 426-2017²⁰⁷]

§ 545-507. Fees.

- A. Notwithstanding § 545-40 of this chapter, every operator licensed as such under this chapter who applies for an amendment to the licence under § 545-504B, shall pay a fee set out in Chapter 441, Fees and Charges. [Amended 2006-12-06 by By-law 4-2007²⁰⁸; 2013-05-10 by By-law 599-2013²⁰⁹]

ARTICLE XLIII
Driveway Paving Contractors
[Added 2011-05-19 by By-law 688-2011]²¹⁰

§ 545-508. Regular place of business required; minimum age.

No person shall be licensed as a driveway paving contractor unless he or she has a regular place of business and, if other than a corporation, is of the full age of 18 years.

§ 545-509. Reserved²¹¹

§ 545-510. Identification of vehicles used by driveway paving contractors; advertisements.

- A. Any driveway paving contractor shall ensure that:

²⁰⁶ Editor's Note: By-law 1098-2019 comes into force October 1, 2019.

²⁰⁷ Editor's Note: By-law 426-2017 came into force May 1, 2017.

²⁰⁸ Editor's Note: This by-law came into force January 1, 2007.

²⁰⁹ Editor's Note: By-law 599-2013 amended § 545-507A and deleted §§ 545-507B and C. By-law 599-2013 came into force September 1, 2013.

²¹⁰ Editor's Note: This by-law came into force July 4, 2011.

²¹¹ Editor's Note: Section 545-509. "Notification upon change of address" was deleted December 18, 2019 by By-law 1797-2019.

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- (1) All vehicles used by him or her in the course of business bear on both sides of each such vehicle in letters and figures not less than 10 centimetres in height and clearly legible at a distance of six metres the words "Toronto Licence No." followed by the number of the licence issued by the Municipal Licensing and Standards Division to such contractor.
 - (2) All stationery, forms, bills, invoices, statements and any other printed or written advertising material, including any published advertisements in a newspaper, periodical, directory or other publication used by such driveway paving contractor in the course of such business, bear in clearly legible letters and figures the same inscription.
- B. For purposes of this section, any reference to the number of a licence shall mean the trade number that is issued to a licensee by the Municipal Licensing and Standards Division to identify the particular trade or type of business that is licensed.

§ 545-511. Use of trade names.

A person licensed as a driveway paving contractor may carry on business under a trade name or name other than his or her own but shall not carry on business under more than one name, and only one licence shall be issued.

§ 545-512. Regulations concerning driveway paving contractors; written contracts.

Every person licensed or required to be licensed under this chapter as a driveway paving contractor shall observe or cause to be observed the following regulations:

- A. Before commencing any work, a driveway paving contractor shall enter into a written contract with the person for whom the work is to be performed. The contract is to be signed by the contractor and such person and the contract is to be in the form attached hereto as Appendix O located at the end of this chapter.
- B. No other work shall be done by such driveway paving contractor as an extra or otherwise unless and until a further contract on the same form covering such other work has been entered into in like manner between the parties.
- C. The driveway paving contractor shall complete the form of contract in as much detail as may be practical as to the quality and quantity of material and the number of hours of labour involved and the rate thereof and as to all other dimensions and measurements relating to the work to be done.
- D. A driveway paving contractor shall upon request furnish to the person for whom the work has been done an itemized and detailed written bill concerning such work within 24 hours.
- E. The contract shall not contain any clause or provisions except those contained in Appendix O located at the end of this chapter without the express approval of the Executive

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Director or his or her designate, and the driveway paving contractor shall not enter into any collateral or supplemental agreement or arrangement which terms are repugnant to or inconsistent with the contract.

§ 545-513. No work to be conducted without a valid permit.

Every person licensed or required to be licensed under this by-law, shall obtain all permits and approvals required by law prior to the commencement of any work.

§ 545-514. Policy of insurance; certified copy or certificate.

- A. Every driveway paving contractor shall procure a policy of insurance in at least the amount of \$2,000,000.00 (exclusive of interest and costs) comprehensive against loss or damage resulting from bodily injury to or the death of one or more persons, or from loss or damage to property resulting from any accident.
- B. The policy of insurance shall:
- (1) Provide for cross-liability and severability of interest;
 - (2) Be endorsed to the effect that the Municipal Licensing and Standards Division will be given at least 10 days' written notice of any cancellation, expiration or variation in the amount of the policy; and
 - (3) Name the City of Toronto as an additional insured.
- C. A certified copy or certificate of the policy of insurance shall be deposited with the Municipal Licensing and Standards Division.

ARTICLE XLIV
Personal Services Settings
[Added 2013-05-10 by By-law 629-2013²¹²]

§ 545-515. Definitions.²¹³

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

INSPECTION NOTICE - A notice issued by the Medical Officer of Health to a personal services setting as a result of any inspection conducted pursuant to this chapter and the Health Protection and Promotion Act or the regulations and guidelines made under that Act.

²¹² Editor's Note: This by-law was passed under the authority of the City of Toronto Act, 2006, S.O. 2006, c. 11, Schedule A. By-law 629-2013 came into force July 1, 2013.

²¹³ Editor's Note: The definition of "Owner or Operator" was deleted December 18, 2019 by By-law 1797-2019.

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INSPECTION REPORT - A report issued by the Medical Officer of Health to a personal services setting as a result of any inspection conducted pursuant to this chapter and the Health Protection and Promotion Act or the regulations and guidelines made under that Act.

§ 545-516. Issuance, renewal and endorsements.

- A. The Municipal Licensing and Standards Division shall submit to the Medical Officer of Health every application for a license and for a renewal of a license as an owner or operator, and any report received by the Municipal Licensing and Standards Division in response thereto shall be considered in the determination of whether or not the license should be issued, renewed, refused or have conditions placed on it in accordance with this chapter.
- B. Every owner or operator of a personal services setting shall obtain a license and, at the time of application for a license and at each application for renewal, obtain a separate endorsement of his or her license for every class of personal service provided or offered at the premises in accordance with the following:
 - (1) Any person who owns or operates personal services settings which offer or provide hairstyling shall, after July 1, 2013, be required to obtain a license and endorsement and every application for renewal of a barber shop or hair dressing establishment license after July 1, 2013 shall be deemed to be an application for a personal services setting license, endorsed for hairstyling, and the fee payable for the renewal application shall be the renewal fee for a personal services setting license.
 - (2) Any person who owns or operates personal services settings which offer or provide tattoo, micropigmentation, body piercing, or electrolysis shall obtain a license and endorsement by July 1, 2014.
 - (3) Any person who owns or operates personal services settings which offer or provide manicure and pedicure or aesthetics shall obtain a license and endorsement by July 1, 2015.
- C. Every owner or operator shall notify the Municipal Licensing and Standards Division and the Medical Officer of Health in writing of any change to the operations of the business which may result in a change in the class or classes of personal service provided or offered, at least 30 days prior to the implementation of such change.

§ 545-517. Inspection notices and reports.

- A. Every owner or operator shall keep posted, in a conspicuous place clearly visible to members of the public, at or near the entrance of the premises, the most recent inspection notice issued by the Medical Officer of Health.
- B. Every owner or operator shall, when so requested by any person, produce the inspection report or reports relating to the currently posted inspection notice for such premises.

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§ 545-518. Infection prevention and control - minimum standards.

Every owner or operator shall comply with, and shall ensure compliance with, the following regulations in a manner satisfactory to the Medical Officer of Health

- A. The premises, and the fixtures and furniture therein, shall be kept in good repair and in a clean and sanitary condition.
- B. All work areas shall be well lighted to facilitate proper cleaning of the work areas and of any equipment and instruments therein, and to prevent injuries.
- C. Every table, mat or other surface upon which persons lie or sit while being given a personal service shall have a smooth top surface of impervious material.
- D. The premises shall have a sink with an adequate supply of hot and cold water, which, when used for cleaning of instruments and equipment, shall be of a type and size adequate for the proper cleaning of such instruments and equipment and which, when used for hand cleaning, shall have:
 - (1) An adequate supply of liquid soap in a suitable container or dispenser;
 - (2) Hot air dryers or individual clean towels for hand drying; and
 - (3) A suitable receptacle for used towels and waste material.
- E. Every personal service worker shall clean his or her hands both before and after providing a personal service, and as necessary to prevent disease transmission.
- F. All instruments and equipment used in the provision of a personal service which are not single use items shall be properly cleaned and disinfected, or cleaned and sterilized, between each use in a manner which, in the opinion of the Medical Officer of Health, is sufficient to prevent disease transmission.
- G. Instruments and equipment which have been cleaned and disinfected or sterilized shall be stored and handled in a manner which prevents contamination.
- H. Notwithstanding any other provision in this chapter, all sharp instruments, including but not limited to needles, syringes, scalpels and razor blades, shall be disposed of in an approved sharps container and the container shall be disposed of as pathological or biomedical waste in accordance with the Environmental Protection Act, the regulations made under that Act, and any other applicable law.
- I. Single use instruments and equipment shall be used on one person only and, unless clearly identified and maintained for subsequent use on that same person only, shall be disposed of immediately upon use.
- J. Mechanical sterilizers shall be monitored on a regular basis by spore testing and by the use of temperature sensitive indicators, in a manner and upon such schedule as may be determined by the Medical Officer of Health necessary to ensure proper functioning at all times.

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§ 545-519. Records.

- A. Every owner or operator shall make the following written records in a form and manner satisfactory to the Medical Officer of Health:
- (1) A record of each use of a mechanical sterilizer, including the date and time of each use, the identity of the individual who performed the sterilization, and for sterilization equipment manufactured such that it is capable of producing such information, the temperature, pressure and duration of the sterilization cycle.
 - (2) A record of all spore testing conducted at the personal services setting, including the date and results of such testing for each sterilizer.
 - (3) A record of all purchases of pre-packaged sterilized items, including the date of purchase, the name of the supplier, and the type, quantity, lot numbers and any expiry date of the items purchased.
 - (4) A record of all body piercing, electrolysis, tattoo and micropigmentation services or procedures performed, including the date on which the service or procedure was performed, the full name of the personal services worker, and the full name, telephone number and address of the customer.
 - (5) A record of all accidental exposures to blood and other body fluids, including the date on which the incident occurred, the site of the injury, the nature and circumstances of the incident, any action taken as a result of the exposure, the full name, address and telephone number of all persons involved in the exposure, and the full names of all personal services workers involved in the incident.
- B. Every owner or operator shall retain the records required to be made under this section for five years and shall keep the records at the premises for the first year.

§ 545-520. Service provider qualifications.

Every owner or operator shall ensure that every personal services worker holds whatever training or qualifications may be required by law.

§ 545-521. Insurance.

Every owner or operator shall, in respect of each personal services setting which provides or offers tattoo, micropigmentation, body piercing or electrolysis, procure a policy of insurance endorsed to the effect that the Municipal Licensing and Standards Division will be given at least 10 days' notice in writing of any cancellation, expiration or variation in the amount of the policy, and insuring, in at least the amount of \$1,000,000 (exclusive of interest and costs) comprehensive against loss or damage resulting from bodily injury to or the death of one or more persons, or from loss or damage to property resulting from any one accident. A certified copy or certificate of such policy shall be deposited with the Municipal Licensing and Standards Division.

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ARTICLE XLV
Commercial Parking Lots
[Added 2015-07-09 by By-law 804-2015²¹⁴]

§ 545-522. Definitions.

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

OPERATOR - The operator of a commercial parking lot.

§ 545-523. Separate licence required for each commercial parking lot.

Every operator shall take out a separate licence for each commercial parking lot.

§ 545-524. Owners of commercial parking lots to ensure operators are licensed.

No owner of a property shall permit any person to operate a commercial parking lot at such property unless that person holds a commercial parking lot operator's licence under this chapter.

§ 545-525. Operators of commercial parking lots to ensure agencies are licensed.

No operator of a commercial parking lot shall permit any person to conduct parking enforcement services at the commercial parking lot unless that person holds a private parking enforcement agency licence under this chapter or is a Municipal Law Enforcement Officer appointed to operate at that commercial parking lot.

§ 545-526. Information to be provided upon licence application.

Every applicant for a licence to operate a commercial parking lot shall include in his or her application a statement setting forth:

- A. The location and dimensions of the lands in respect of which he or she seeks such licence;
- B. The maximum number of motor vehicles proposed to be parked or stored at the commercial parking lot;
- C. The hours during which such the commercial parking lot shall be open for business;
- D. The location of each proposed entrance to and exit from the commercial parking lot;
- E. The location, size and type of construction of any office proposed to be used or erected at or upon the commercial parking lot; and
- F. If no public garage licence or commercial parking lot licence was issued in respect of a building in the previous year, plans approved by the Ministry of Labour for the Province of Ontario for providing adequate ventilation facilities in the part of the building where motor cars may be stored.

²¹⁴ Editor's Note: By-law 804-2015 came into force September 1, 2015.

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§ 545-527. Regulations concerning agreements with property owners.

- A. No person shall operate a commercial parking lot at a property unless he or she has filed proof, to the satisfaction of the Executive Director, Municipal Licensing and Standards, or his or her designate, that the owner of such property has authorized the operator to do so.
- B. The authorization referred to in Subsection A may be in the form of a letter signed by the owner of such property, or in the form of a copy of an operating agreement to which the operator is party that has been signed by the owner of such property.
- C. Every operator shall notify the Municipal Licensing and Standards Division in writing of any expiration, termination, or change in such authorization within 5 days.

§ 545-528. General requirements of operators of commercial parking lots.

- A. No operator shall store or park or allow to be stored or parked at the commercial parking lot for a period longer than 48 hours any trailer used for human habitation while so stored or parked.
- B. No operator shall employ or permit any person to engage in driving, operating, or moving motor vehicles parked or stored at the commercial parking lot unless that person holds a valid driver's licence under the Highway Traffic Act.
- C. Every operator shall:
 - (1) Provide proper means of ingress and egress to and from the commercial parking lot, to the satisfaction of the Executive Director, Municipal Licensing and Standards, or his or her designate; in the case of any commercial parking lot located at a corner lot, no entrance or exit shall be located less than 7.6 metres from the nearest intersection of the curb of the intersecting streets unless, on December 19, 1956, the entrance or exit was properly located less than 7.6 metres from such intersection in accordance with all local by-laws applicable thereto.
 - (2) Keep the commercial parking lot free from rubbish and in a clean and neat condition, and keep any sidewalk or street abutting such premises free from any dirt or other foreign substance derived from such premises; and
 - (3) Prevent the drainage of surface water across any sidewalk abutting the commercial parking lot.
- D. No operator shall:
 - (1) Move or cause to be moved any snow from the commercial parking lot to any abutting sidewalk or roadway;
 - (2) Park or store any motor vehicle on any highway that abuts the commercial parking lot;
 - (3) Use, lend, hire, rent, or cause or permit any employee to use, lend, hire or rent any motor vehicle that has been received for the purpose of parking or storing it upon

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the commercial parking lot, except for purposes necessarily incidental to parking or storing the vehicle; or

- (4) Permit the engine of a motor vehicle in any building to run, while stationary, unless adequate ventilation is provided to ensure dilution of any fumes.
- E. Every operator shall at all times permit the Municipal Licensing and Standards Division to enter a commercial parking lot licensed or required to be licensed under this chapter and make such inspection as may be deemed necessary to ascertain whether or not the provisions of this chapter are being followed.

§ 545-529. Operator to charge time-based rate for parking.

Every operator shall charge a time-based rate for parking, the payment of which shall indicate the operator's unqualified consent for a vehicle to park during that time period, subject to § 545-531 of this article.

§ 545-530. Signage required upon premises.

- A. Every operator shall display at each public entrance to the commercial parking lot and at each pay station, so as to be clearly visible to every driver of a vehicle about to enter the premises and any patron paying for parking, identical signs bearing:
 - (1) In letters and figures of a uniform size not less than 7.62 centimetres in height at each public entrance, and not less than 2.54 centimetres in height at each pay station, the rates for parking;
 - (2) In readily legible text, the ways in which patrons may pay for parking;
 - (3) In readily legible text, the hours during which the licensed premises is open for business; and
 - (4) In readily legible text, the operator's name or registered business name and license number, together with a telephone number where a voice message can be left and e-mail address to which inquiries may be directed.
- B. No operator shall issue any demand for payment or private invoice in relation to a vehicle parked at the commercial parking lot unless the signs referred to in Subsection A bear, in letters and figures of a uniform size not less than 3.81 centimetres in height at each public entrance, and not less than 1.905 centimetres in height at each pay station:
 - (1) The text, "VEHICLES PARKED WITHOUT PAYMENT OF THE POSTED RATE MAY BE SUBJECT TO A DEMAND FOR PAYMENT"; and
 - (2) The amount of any demand for payment and any associated charge.
- C. Every operator shall file clear photographs of the signage required by this section with the Executive Director, Municipal Licensing and Standards, or his or her designate, prior to posting such signage at the commercial parking lot.

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- D. No operator shall post any signage at the commercial parking lot setting out parking rates, charges or conditions, except in accordance with this section.

§ 545-531. Operator deemed not to consent to improperly parked vehicles.

For the purpose of this article and Chapter 915, Parking on Private or Municipal Property, and despite the requirements of §§ 545-529 and 545-530, an operator shall be deemed to not consent to the parking, stopping or standing of any vehicle:

- A. In a marked, designated accessible parking space for which no accessible parking permit is displayed;
- B. In any location where parking is prohibited by the operator and clear signage is posted to indicate such prohibition;
- C. In a designated emergency access or fire route;
- D. That is occupying more than one parking space;
- E. That is preventing other vehicles from entering or exiting the licensed premises; or
- F. That does not bear vehicle license plates.

§ 545-532. Duty to provide attendant or maintain automatic payment systems.

- A. Every operator, except in the case of a metered or automatically controlled parking lot, or where payment for parking can be made through a mobile application, shall ensure that an attendant is on duty at all times during business hours to provide patrons an opportunity to pay for parking.
- B. Every operator, in the case of a metered or automatically controlled parking lot, or where payment for parking can be made through a mobile application, shall ensure that all devices and systems used to accept payment for parking are maintained in good working order at all times to provide patrons an opportunity to pay for parking.

§ 545-533. Duty to provide parking receipt.

- A. Every operator shall, at the time of receiving each motor vehicle for the purpose of parking or storing it upon the commercial parking lot, provide each customer a numbered receipt bearing on the same side as the number:
 - (1) A clear statement of the extent of responsibility accepted by the operator with respect to loss of, or damage to, such motor vehicle and its contents while the vehicle is parked, stored or otherwise in the care and custody of the operator or any of his or her employees; and
 - (2) The operator's name or registered business name, the location of the commercial parking lot, and the business hours specified on the sign or signs required by § 545-530.

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§ 545-534. Duty to respond to public inquiries.

Every operator shall:

- A. Maintain the telephone number and e-mail address provided upon the signage referred to in § 545-530 of this article;
- B. Ensure that a live person responds to inquiries at such telephone number during the business hours of the commercial parking lot; and
- C. Ensure that a voice message can be left at such telephone number outside the business hours of the commercial parking lot.

§ 545-535. Issuance of demands for payment.

- A. No person shall issue any demand for payment in relation to vehicles parked at a commercial parking lot except as prescribed by this section, though nothing in this section shall prevent an operator from attempting to collect upon a demand for payment previously issued in accordance with this section or to bring a court proceeding.
- B. Where signage is posted upon the commercial parking lot in accordance with § 545-530, an operator may issue a written demand for payment in the form of a private invoice in relation to vehicles parked on the commercial parking lot, provided that the invoice:
 - (1) Clearly outlines the alleged contravention of parking terms and conditions;
 - (2) Does not resemble, in colour or design, or simulate the colour or design, of a City of Toronto penalty notice; [**Amended 2017-07-07 by By-law 797-2017²¹⁵**]
 - (3) Does not include the City of Toronto logo;
 - (4) Indicates in bold lettering on the front and back of each notice, in a font size larger than the rest of the notice:

"This is not a City of Toronto penalty notice", and [**Amended 2017-07-07 by By-law 797-2017²¹⁶**]

"This is a private invoice issued by (operator name and licence number)."
 - (5) Provides detailed information on the process for making payment;
 - (6) Provides detailed information on how an invoice may be disputed;
 - (7) Includes on the face of the notice:
 - (a) the operator's registered name and licence number;
 - (b) the address of the commercial parking lot;
 - (c) the commercial parking lot's hours of operation; and

²¹⁵ Editor's Note: By-law 797-2017 came into effect August 28, 2017.

²¹⁶ Editor's Note: By-law 797-2017 came into effect August 28, 2017.

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- (d) a telephone number and e-mail address to patrons may address inquiries regarding the payment process or dispute the invoice; and
 - (8) Is consistent with the terms and conditions posted upon the commercial parking lot in accordance with § 545-530.
- C. Every operator shall file a blank copy of the invoice referred to in Subsection B with the Executive Director, Municipal Licensing and Standards, or his or her designate, prior to issuing such an invoice.
- D. No operator shall issue a penalty notice or a Toronto Police Service Tow Card.
[Amended 2017-07-07 by By-law 797-2017²¹⁷]

§ 545-536. Operator not to restrain or immobilize vehicles.

No operator shall restrain or immobilize or cause to be restrained or immobilized any vehicle parked, stopped, or standing at the commercial parking lot by any means whatsoever.

ARTICLE XLVI
Payday Loan Establishments
[Added 2018-04-27 by By-law 526-2018]

§ 545-537. Definitions.

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

OPERATOR - The operator of a payday loan establishment.

§ 545-538. Licence under this article required.

- A. No person shall act as a lender or loan broker as defined in the Payday Loans Act, 2008 unless they hold a valid licence as a lender or a loan broker under the Payday Loans Act, 2008 and a valid licence under this chapter.
- B. No person shall operate a payday loan establishment unless they hold a valid licence as a lender or a loan broker under the Payday Loans Act, 2008 and a valid licence under this chapter.
- C. No person, except a person who holds a valid licence as a lender or a loan broker under the Payday Loans Act, 2008 as of May 1, 2018, may be licensed under this chapter.
- D. Every person who holds a valid licence as a lender or a loan broker under the Payday Loans Act, 2008 as of May 1, 2018 shall obtain a licence under this chapter.
- E. No person, except a person who is applying for renewal of a valid licence under this chapter, may be granted a licence under this chapter. **[Added 2019-10-30 by By-law 1515-2019]**

²¹⁷ Editor's Note: By-law 797-2017 came into effect August 28, 2017.

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§ 545-539. Application requirements.

A person or entity who wishes to apply for a licence shall:

- A. Provide the following information to the City:
 - (1) The name of the applicant;
 - (2) All business addresses;
 - (3) The address for the main office, if different from the address in Subsection A(2) or where multiple business locations are in operation;
 - (4) Proof of a valid licence issued under the Payday Loans Act, 2008, including the applicable licence number;
 - (5) The name, telephone number, e-mail address and mailing address of the primary contact person; and
 - (6) A criminal background check; and
- B. Pay the applicable fees in Chapter 441, Fees and Charges.

§ 545-540. Operator requirements; suspension; revocation; credit counselling; and advertising.²¹⁸

- A. An operator shall:
 - (1) Inform the Executive Director immediately if the licensee's licence under the Payday Loans Act, 2008 is suspended, ceases to be valid, is revoked or expires;
 - (2) Operate only at the location(s) authorized by the licence issued under the Payday Loans Act, 2008.
- B. If an operator's licence under the Payday Loans Act, 2008 is suspended, ceases to be valid, is revoked or expires the licence under this article is suspended for the entirety of the period that the licence under the Payday Loans Act, 2008 is suspended, ceases to be valid, is revoked or expires.
- C. An operator shall ensure that each person who attends at their payday loan establishment is given, immediately on expressing an interest in a loan, credit counselling information that has been approved in advance by the Executive Director. **[Added 2019-10-30 by By-law 1515-2019]**
- D. No operator shall advertise their payday loan establishment on City property, including the property of City Agencies, Boards and Commissions. **[Added 2019-10-30 by By-law 1515-2019]**

²¹⁸ Editor's Note: The heading of § 545-540 was deleted and replaced by By-law 1515-2019.

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§ 545-541. Number of licences and locations restricted.

- A. The number of licences which may be granted by the City under this article shall be limited to the total number of licences issued under the Payday Loans Act, 2008 to persons or entities operating within the City on May 1, 2018. The effect of § 545-538 and § 545-541A is to reduce the total number of licences issued under this chapter as licences issued under the Payday Loans Act, 2008 or City of Toronto Municipal Code, Chapter 545, Licensing cease to be valid, are revoked or expire. **[Amended 2020-12-18 by By-law 1130-2020²¹⁹]**
- B. The number of locations where an operator is permitted to operate a payday lending establishment:
- (1) Is limited to the total number of locations operating within the City on May 1, 2018 which have been permitted by a licence under the Payday Loans Act, 2008; and
 - (2) In each ward, is limited to the total number of locations operating within a ward (as each ward exists on the day it comes into existence) on May 1, 2018 which have been permitted by a licence under the Payday Loans Act, 2008. **[Amended 2019-01-31 by By-law 255-2019²²⁰; 2020-12-18 by By-law 1130-2020²²¹]**

§ 545-542. Change of location.

- A. Subject to this section, an operator may change locations within the City.
- B. The operator shall inform the Executive Director within five business days of any changes to a business address or location address.
- C. If an operator changes a location:
- (1) The operator shall make a new application to the City for an update to the licence indicating the new location; and
 - (2) Pay the applicable fees in Chapter 441, Fees and Charges on a pro-rated basis.
- D. Despite subsection A, no operator may relocate on or within 500 metres of the municipally known address 555 Rexdale Boulevard as of April, 2018, known as the Woodbine Racetrack, measured along the most direct roadway route from the nearest point of 555 Rexdale Boulevard property to the nearest point of the proposed payday loan establishment property.

§ 545-543. Compliance with other provisions.

Notwithstanding any provision in this article, nothing herein permits the contravention of any

²¹⁹ Editor's Note: By-law 1130-2020 comes into force on January 1, 2021.

²²⁰ Editor's Note: By-law 255-2019 is deemed to have come into effect on December 13, 2018.

²²¹ Editor's Note: By-law 1130-2020 comes into force on January 1, 2021.

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provision in this chapter or in any other by-law of City Council.

ARTICLE XLVII
Vapour Product Retailers
[Added 2020-01-29 by By-law 113-2020²²²]

§ 545-544. Information to be provided with licence application.

Every applicant for a vapour product retailer licence shall provide the Municipal Licensing and Standards Division with the following:

- A. The applicant's name;
- B. The applicant's business address;
- C. The applicant's contact information, including a phone number and e-mail address;
- D. The name, phone number, e-mail address, and mailing address of a primary contact person for the applicant;
- E. A criminal background check; and
- F. Any other information or documents required by the Executive Director.

§ 545-545. Requirement to register under provincial act.

Every applicant for and holder of a vapour product retailer licence shall, as a condition of obtaining and continuing to hold such licence, be properly registered with the Toronto Board of Health as a specialty vape store or tobacconist, where applicable, as required by the Smoke-Free Ontario Act, 2017 or its regulations.

ARTICLE XLVIII
Eating or Drinking Establishments
[Added 2024-05-23 by By-law 492-2024²²³]

§ 545-546. Application requirements.

To apply for an eating or drinking establishment licence or its renewal, or at any time during the term of a licence at the request of the Municipal Licensing and Standards Division, the applicant or licensee shall submit to the Municipal Licensing and Standards Division:

- A. If the establishment serves alcohol, a copy of a valid liquor licence;
- B. If the establishment does not serve alcohol, another document that can be used to determine the occupant load of the establishment;
- C. A statement as to whether amusement, entertainment, or live performance are or will be offered at the establishment at any time;

²²² Editor's Note: By-law 113-2020 came into force April 1, 2020.

²²³ Editor's Note: By-law 492-2024 came into force on January 1, 2025.

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- D. The hours of operation of the establishment;
- E. A level 1 noise control plan and/or a patron management plan, if requested by the Executive Director;
- F. A level 2 noise control plan, if requested by the Executive Director, for approval; and
- G. Any other information or documents required by the Executive Director.

§ 545-547. Additional application requirements for expanded activity eating or drinking establishment.

In addition to the requirements in § 545-546, to apply for an expanded activity eating or drinking establishment licence or its renewal, the applicant shall submit to the Municipal Licensing and Standards Division:

- A. A level 1 noise control plan; and
- B. A patron management plan.

§ 545-548. Review of application by Medical Officer of Health.

The Municipal Licensing and Standards Division may provide an application for an eating or drinking establishment licence or its renewal to the Medical Officer of Health and may consider any report from the Medical Officer of Health with respect to the establishment in determining whether to issue or refuse the licence or seek to place conditions on the licence.

§ 545-549. Noise control and patron management plans.

- A. The Executive Director may, at their sole discretion and at any time during the term of an eating or drinking establishment licence, require its operator to submit to the Municipal Licensing Standards Division:
 - (1) An up-to-date level 1 noise control plan or patron management plan; and/or
 - (2) A level 2 noise control plan, for approval.
- B. Every operator of an eating or drinking establishment shall operate their establishment in accordance with the most recent level 1 noise control plan, patron management plan, and/or level 2 noise control plan submitted to or approved by the Municipal Licensing and Standards Division.
- C. Upon request by any employee of the Municipal Licensing and Standards Division, every operator of an eating or drinking establishment shall immediately provide them with a copy of the most recent level 1 noise control plan, patron management plan, and/or level 2 noise control plan submitted to or approved by the Municipal Licensing and Standards Division.

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§ 545-550. Production of food safety inspection reports.

Upon request by any person, the operator of an eating or drinking establishment shall immediately produce any food safety inspection reports that relate to the current food safety inspection notice for the establishment.

§ 545-551. Changes to terms of liquor licence.

Every operator of an eating or drinking establishment that serves alcohol shall notify the Municipal Licensing and Standards Division of any change to the terms of the establishment's liquor licence within 14 calendar days of the change.

§ 545-552. Additional operating requirements for expanded activity eating or drinking establishments.

Every operator of an expanded activity eating or drinking establishment shall:

- A. Maintain a list of persons of authority, including the current contact information of each person on the list, and ensure that at least one person included on the list is on the premises at all times during hours of operation; and
- B. Immediately provide a copy of the list of persons of authority to any employee of the Municipal Licensing and Standards Division upon request.

ARTICLE XLIX

Take-out or Retail Food Establishments
[Added 2024-05-23 by By-law 492-2024²²⁴]

§ 545-553. Submission of liquor licence; changes to terms of liquor licence.

Every operator of a take-out or retail food establishment that serves alcohol shall:

- A. Submit a copy of a valid liquor licence to the Municipal Licensing and Standards Division at the time of application for a licence or its renewal; and
- B. Notify the Municipal Licensing and Standards Division of any change to the terms of the establishment's liquor licence within 14 calendar days of the change.

§ 545-554. Review of application by Medical Officer of Health.

The Municipal Licensing and Standards Division may provide an application for a take-out or retail food establishment or its renewal to the Medical Officer of Health and may consider any report from the Medical Officer of Health with respect to the establishment in determining whether to issue or refuse the licence or seek to place conditions on the licence.

²²⁴ Editor's Note: By-law 492-2024 came into force on January 1, 2025.

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§ 545-555. Production of food safety inspection reports.

Upon request by any person, the operator of a take-out or retail food establishment that prepares or serves food shall immediately produce any food safety inspection reports that relate to the current food safety inspection notice for the establishment.

ARTICLE L
Entertainment Establishments/Nightclubs
[Added 2024-05-23 by By-law 492-2024²²⁵]

§ 545-556. Application requirements.

To apply for an entertainment establishment/nightclub licence or its renewal, or at any time during the term of a licence at the request of the Municipal Licensing and Standards Division, the applicant or licensee shall submit to the Municipal Licensing and Standards Division:

- A. If the establishment serves alcohol, a copy of a valid liquor licence;
- B. If the establishment does not serve alcohol, another document that can be used to determine the occupant load of the establishment;
- C. The hours of operation of the establishment;
- D. A level 2 noise control plan for approval by the Municipal Licensing and Standards Division;
- E. A patron management plan; and
- F. Any other information or documents required by the Executive Director.

§ 545- 557. Operating requirements.

Every operator of an entertainment establishment/nightclub shall:

- A. During hours of operation, staff the establishment with at least one security guard for every 100 patrons whose exclusive responsibility or duty while engaged or hired is to guard or patrol the premises for the purpose of ensuring orderly conduct and protecting persons and property;
- B. Ensure that all security guards wear identification and uniforms that comply with the Private Security and Investigative Services Act, 2005 or successor legislation and allow them to be readily identified as security guards;
- C. Ensure that all security guards are licenced under the Private Security and Investigative Services Act, 2005 or successor legislation;
- D. Staff each public entrance to the establishment with at least one security guard;

²²⁵ Editor's Note: By-law 492-2024 came into force on January 1, 2025.

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- E. Equip each public entrance to the establishment with a functioning metal detector;
- F. Screen all patrons upon entry or re-entry to the establishment using a functioning metal detector;
- G. Operate the establishment in accordance with the level 2 noise control plan and patron management plan most recently submitted to or approved by the Municipal Licensing and Standards Division;
- H. Upon request by any employee of the Municipal Licensing and Standards Division, immediately provide them with a copy of the level 2 noise control plan and patron management plan most recently submitted to or approved by the Municipal Licensing and Standards Division;
- I. Maintain a list of persons of authority, including the current contact information of each person on the list, and ensure that at least one person included on the list is on the premises at all times during hours of operation;
- J. Immediately provide a copy of the list of persons of authority to any employee of the Municipal Licensing and Standards Division upon request; and
- K. Notify the Municipal Licensing and Standards Division of any change to the terms of the establishment's liquor licence within 14 calendar days of the change.

§ 545-558. Insurance requirements.

Every operator of an entertainment establishment/nightclub shall:

- A. Procure a liability insurance policy for the establishment of at least \$2,000,000 against loss or damage resulting from bodily injury or death and of at least \$25,000 against loss or damage to property;
- B. Deposit a certificate of the insurance policy with the Municipal Licensing and Standards Division; and
- C. Notify the Municipal Licensing and Standards Division of any change to the insurance policy and provide it with an updated certificate of the insurance policy within 10 calendar days of the change.

ARTICLE LI
Entertainment Places of Assembly
[Added 2024-05-23 by By-law 492-2024²²⁶]

²²⁶ Editor's Note: By-law 492-2024 came into force on January 1, 2025.

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§ 545-559. Application requirements.

To apply for an entertainment place of assembly licence or its renewal, or at any time during the term of the licence at the request of the Municipal Licensing and Standards Division, the applicant or licensee shall submit to the Municipal Licensing and Standards Division:

- A. If the establishment serves alcohol, a copy of a valid liquor licence;
- B. If the establishment does not serve alcohol, another document that can be used to determine the occupant load of the establishment;
- C. The hours of operation of the establishment;
- D. A level 1 noise control plan and/or a patron management plan, if requested by the Executive Director;
- E. A level 2 noise control plan, if requested by the Executive Director, for approval; and
- F. Any other information or documents required by the Executive Director.

§ 545-560. Additional application requirements for expanded activity entertainment places of assembly.

In addition to the requirements in § 545-559, to apply for an expanded activity entertainment place of assembly licence or its renewal, the applicant shall submit to the Municipal Licensing and Standards Division:

- A. A level 1 noise control plan; and
- B. A patron management plan.

§ 545-561. Operating requirements.

Every operator of an entertainment place of assembly shall:

- A. If a lineup forms at any entry to the establishment, ensure an identifiable staff person regulates the lineup and prevents obstruction of the public right of way; and
- B. Notify the Municipal Licensing and Standards Division of any change to the terms of the establishment's liquor licence within 14 calendar days of the change.

§ 545-562. Insurance requirements.

- A. Every operator of an entertainment place of assembly shall:
 - (1) Procure a liability insurance policy for the establishment of at least \$1,000,000 against loss or damage resulting from bodily injury or death and of at least \$25,000 against loss or damage to property;
 - (2) Deposit a certificate of the insurance policy with the Municipal Licensing and Standards Division; and
 - (3) Notify the Municipal Licensing and Standards Division of any change to the insurance policy and provide it with an updated certificate of the insurance policy within 10 calendar days of the change.

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- B. The Executive Director may dispense, in whole or in part, with the insurance requirements mentioned in § 545-562A if, in the opinion of the Executive Director, the requirements are not necessary with respect to the type or nature of the operation of the establishment.

§ 545-563. Noise control and patron management plans.

- A. The Executive Director may, at their sole discretion and at any time during the term of an entertainment place of assembly licence, require its operator to submit to the Municipal Licensing and Standards Division:
- (1) An up-to-date level 1 noise control plan or patron management plan; and/or
 - (2) A level 2 noise control plan, for approval.
- B. Every operator of an entertainment place of assembly shall operate their establishment in accordance with the level 1 noise control plan, patron management plan, and/or level 2 noise control plan most recently submitted to or approved by the Municipal Licensing and Standards Division.
- C. Upon request by any employee of the Municipal Licensing and Standards Division, every operator of an eating or drinking establishment shall immediately provide them with a copy of the level 1 noise control plan, patron management plan, and/or level 2 noise control plan most recently submitted to or approved by the Municipal Licensing and Standards Division.

ARTICLE LII
Amusement Establishments
[Added 2024-05-23 by By-law 492-2024²²⁷]

§ 545-564. Application requirements.

To apply for an amusement establishment licence or its renewal, or at any time during the term of the licence at the request of the Municipal Licensing and Standards Division, the applicant or licensee shall submit to the Municipal Licensing and Standards Division:

- A. If the establishment serves alcohol, a copy of a valid liquor licence;
- B. The following documents issued by the Technical Standards and Safety Authority or its successor agency, if applicable to the business:
- (1) A valid and current licence to carry on business in Ontario; and
 - (2) A valid and current permit for each amusement device operating in the establishment;

²²⁷ Editor's Note: By-law 492-2024 came into force on January 1, 2025.

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- C. A level 1 noise control plan and/or a patron management plan, if requested by the Executive Director;
- D. A level 2 noise control plan, if requested by the Executive Director, for approval; and
- E. Any other information or documents required by the Executive Director.

§ 545-565. Operating requirements for amusement establishments.

Every operator of an amusement establishment shall:

- A. Keep a sufficient staff of employees for the purpose of the establishment;
- B. If the establishment offers trampoline or rebound tumbling amusement activities:
 - (1) Ensure that one qualified supervisor who is certified in standard first aid is in attendance at the establishment for each 12 trampoline or rebound tumbling units operating in the establishment;
 - (2) Permit or allow only one person on each trampoline or rebound tumbling unit at the same time; and
 - (3) Keep a register showing the name and address of each patron and the date and time that each patron was in the establishment.
- C. Notify the Municipal Licensing and Standards Division of any change to the terms of the establishment's liquor licence within 14 calendar days of the change;
- D. Maintain a list of persons of authority, including the current contact information of each person on the list, and ensure that at least one person included on the list is on the premises at all times during hours of operation; and
- E. Immediately provide the list of persons of authority to any employee of the Municipal Licensing and Standards Division upon request.

§ 545-566. Insurance requirements.

Every operator of an amusement establishment shall:

- A. Procure a liability insurance policy for the establishment of at least \$1,000,000 against loss or damage resulting from bodily injury or death and of at least \$25,000 against loss or damage to property resulting from any one accident;
- B. Deposit a certificate of the insurance policy with the Municipal Licensing and Standards Division; and
- C. Notify the Municipal Licensing and Standards Division of any change to the insurance policy and provide it with an updated certificate of the insurance policy within 10 calendar days of the change.

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§ 545-567. Noise control and patron management plans.

- A. The Executive Director may, at their sole discretion and at any time during the term of an amusement establishment licence, require its operator to submit to the Municipal Licensing and Standards Division:
 - (1) An up-to-date level 1 noise control plan or patron management plan; and/or
 - (2) A level 2 noise control plan, for approval.
- B. Every operator of an amusement establishment shall operate their establishment in accordance with the level 1 noise control plan, patron management plan, and/or level 2 noise control plan most recently submitted to or approved by the Municipal Licensing and Standards Division.
- C. Upon request by any employee of the Municipal Licensing and Standards Division, every operator of an amusement establishment shall immediately provide them with a copy of the level 1 noise control plan, patron management plan, and/or level 2 noise control plan most recently submitted to or approved by the Municipal Licensing and Standards Division.