

# *THE CITY OF VAUGHAN*

# *BY-LAW*

## **BY-LAW NUMBER 136-2023**

**A By-law to amend the Filming By-law 168-2020, to update enforcement section wording.**

**WHEREAS** subsection 8(1) of the *Municipal Act, 2001*, S.O. 2001, c.25 (“the *Municipal Act*”), provides for the powers of a municipality under the Act or any other Act to be interpreted broadly so as to confer broad authority on the *Municipality* to enable the *Municipality* to govern its affairs as it considers appropriate and to enhance the *Municipality’s* ability to respond to municipal issues;

**AND WHEREAS** subsection 11(2) of the *Municipal Act*, provides for a municipality to pass by-laws respecting the economic, social and environmental well-being of the municipality, including respecting climate change, and the health, safety and well-being of persons;

**AND WHEREAS** subsection 11(3)11 of the *Municipal Act* provides that a municipality may pass by-laws business licensing;

**AND WHEREAS** the Council of The Corporation of the City of Vaughan has enacted this by-law, as amended, to provide for the issuing, revoking, and/or suspending of permits and for regulating and inspecting filming events within the City of Vaughan;

**AND WHEREAS** staff recommend amending the enforcement provisions of this by-law to provide greater clarity and enforceability;

**NOW THEREFORE** the Council of The Corporation of the City of Vaughan ENACTS AS FOLLOWS:

1. In Filming By-law 168-2020, 3.0(1), add the following definitions in alphabetical order:
  - “Administrative Monetary Penalties By-law” refers to Administrative Monetary Penalties By-law 063-2019, as amended, or its successor by-law;
  - “Applicant” means the *Person* applying for the permit;
  - “Chief Building Official” means the officer or employee of the *City* appointed by Council as Chief Building Official pursuant to the *Building Code Act, 1992*, S.O. 1992, c.23, as amended;

“Chief Fire Official” means the Chief of the Fire Department for the *City*, or a *Person* designated to act on his or her behalf;

“Chief of Police” means the Chief of Police of York Regional Police or a *Person* designated to act on his or her behalf;

“Corporation” means a body corporate incorporated pursuant to the *Business Corporations Act*, R.S.O.1990 c. B. 16, as amended, or the *Corporations Act*, R.S.O 1990, c. C. 38, as amended;

“*Fees and Charges By-law*” means the *City’s Fees and Charges By-law 010-2023*, as amended, or its successor by-law;

“*Land*” or “*Lands*” means ground, soil or earth and includes any buildings or structures thereon, either above or below the surface;

“Medical Officer of Health” means the *Medical Officer of Health* for the Regional Municipality of York;

“*Municipal Law Enforcement Officer*” means a *Person* appointed or employed by the *City* as a *Municipal Law Enforcement Officer* under the *Police Services Act*, R.S.O. 1990, c.P.15, as amended;

“Notice to Comply” or “Notice” means a written direction issued by any *Person* authorized to enforce the provisions of this By-law, and made under the authority of a *Municipality* to make orders to discontinue a contravening activity or remedy a contravening condition, in accordance with sections 444 and 445 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, or any successor legislation;

“Partnership” means an association of two or more persons to carry on, as co-owner, a business or other activity;

“Permit” in the context of this by-law means permission from the *City* to have a *Filming Event* in accordance with this By-law;

“Permit Holder” in the context of this by-law refers to a *Person* who has been granted a *Filming Event Permit*;

“Premises” means any *Land*, building or structure, place or other *Premises* licensed or required to be licensed under this By-law and includes any business, activity or undertaking required to be licensed under this By-law carried on at the *Premises*;

2. In Filming By-law 168-2020, delete the wording at section 4.0(3)(b) and replace it with

[Repealed].

3. In Filming By-law 168-2020, create the following provisions 4.0(7):

7. The *Chief Licensing Officer* may refuse an application for a *Permit*, refuse to renew a *Permit*, or suspend or revoke a *Permit*, if he or she is of the opinion that any of the following apply:

(a) an *Applicant* for a *Permit* has not:

(i) completed the required application form or provided the required documentation;

(ii) paid the *Permit* application or other fees in full, as set out in the *Fees and Charges By-law*;

(iii) complied with any requirements in this By-law; or

(b) there are reasonable grounds to believe that the information provided on the application contains a false statement or information; or

(c) where past or present conduct of the *Applicant* creates reasonable grounds to believe that such *Applicant* will not carry on or has not carried on his or her business or other activity in accordance with the law or with honesty and integrity, including any partner in the case of a *Partnership*, or any director, shareholder or officer of the *Corporation*, or any party having a direct or indirect interest in the *Corporation*; or

(d) where the *Applicant* has failed to pay a fine or fines imposed by a court as a sentence arising from convictions for breach of this By-law or any other *City By-law*; or

(e) where past or present conduct of the *Applicant* creates reasonable grounds to believe that the granting of a *Filming Event Permit* to the *Applicant* would endanger the health or safety, or infringe on the rights, of members of the public; or

(f) if there are reasonable grounds to believe that activities associated with the *Filming Event Permit* by the *Applicant* may be adverse to the public interest, including any partner in the case of a *Partnership*, or any director, shareholder or officer of the *Corporation*, or any party having a direct or indirect interest in the *Corporation*; or

- (g) where information provided to the *City* by or on behalf of the *Applicant*, whether oral or in writing, has ceased to be accurate and the *Applicant* has not provided up-to-date accurate information to the *City* sufficient to allow the *Chief Licensing Officer* to conclude that the *Permit* should be granted or maintained; or
  - (h) where there are reasonable grounds to believe that the *Applicant* does not meet all the requirements of this By-law or any other *City* By-law, or that the business or other activity is carried on or intended to be carried on in an area where such business is prohibited by this By-law from being carried on, or if the issuance of a *Permit* is not permitted by this By-law; or
  - (i) where the *Chief Licensing Officer* has received three (3) or more substantiated complaints against the *Applicant*; or
  - (j) where an adverse report has been received from *Medical Officer of Health*, the *Chief Building Official*, *Chief Fire Official*, *Chief of Police*, other *City* departments, and any other Canadian government agencies;
  - (k) there is any other matter that the *Chief Licensing Officer* is authorized by law to consider; or
  - (l) where the *Applicant* has failed to pay an administrative penalty imposed in accordance with this or any other *City* By-law.
8. In Filming By-law 168-2020, create section 5.0(6) which states, “At all times during the *Filming Event*, the *Permit Holder* must have on site the *Filming Event Permit* and any other permissions or exemptions granted by the *City* or other Canadian *Government Entity*.”
9. In Filming By-law 168-2020, to delete sections **7.0 Administrative Monetary Penalties** and **8.0 Fines**, and replace them with the following, renumbering subsequent sections accordingly:
- 7.0 Inspections and Right of Access**
- (1) The *Chief Licensing Officer* and all other *Municipal Law Enforcement Officers* or officials authorized to enforce the provisions of this By-law are hereby authorized to:
- (a) perform inspections relating to the *Filming Event Permit*, such as associated

with:

- (i) places or *Premises*;
- (ii) books, records or other documents;
- (iii) each Motor Vehicle operated, provided or used in the *Filming Event*;

(2) Any places, *Premises*, or vehicles for the *Filming Event*, at all times for the duration of the event, may be entered and inspected by a *Person* authorized to enforce the provisions of this By-law for the purposes of enforcing this By-law.

(3) No *Person* shall hinder or obstruct an inspection or investigation by any *Person* authorized to administer or enforce the provisions of this By-law by:

- (a) preventing access to any places or *Premises* or vehicles for the *Filming Event* or part thereof;
- (b) refusing to surrender any documents, samples or items requested;
- (c) not following the directions of such authorized *Persons*.

#### **8.0 Notices to Comply**

(1) In the event of non-compliance with any of the provisions of this By-law by any *Person*, a *Notice to Comply* may be issued and served upon such *Person*, by any *Person* authorized to enforce this By-law.

(2) Every *Person* to whom a *Notice to Comply* is issued, or upon whom a *Notice to Comply* is served, shall take such steps as are necessary to comply with the *Notice* within the time provided for compliance.

(3) Where any *Permit Holder* fails to comply with a request to inspect or fails to comply with the *Notice to Comply*, the *Chief Licensing Officer* may suspend or revoke the *Permit*.

(4) Any *Notice* or other information required or authorized to be forwarded, given or served under this By-law is sufficiently given if delivered personally or sent by first-class prepaid mail addressed to the *Person* to whom delivery is required to be made at the address shown on the application or at last address shown or appearing on the records of the *City*.

(5) Where service is affected by mail, it shall be deemed to be served on the fifth day after the date of mailing, unless the *Person* who the mail was sent to, can

establish that he or she did not receive the *Notice* or order until a later date, such as due to absence, accident, illness or other cause beyond his or her control.

## **9.0 Administrative Monetary Penalties**

- (1) Instead of laying a charge under the *Provincial Offences Act*, R.S.O. 1990, Chapter P.33, as amended, for a breach of any provisions of this By-law or failure to comply with a *Notice to Comply* under this By-law, an Officer may issue an administrative monetary penalty to the *Person* who has contravened this By-law.
- (2) If a *Person* is required to pay an administrative monetary penalty under section this By-law, no charge shall be laid against that same *Person* for the same contravention.
- (3) The amount of the administrative monetary penalty for a breach under this By-law is \$500.00.
- (4) A *Person* who is issued an administrative monetary penalty shall be subject to the procedures provided for in the *Administrative Monetary Penalties By-law*, as amended, or its successor by-law.
- (5) An administrative monetary penalty imposed on a *Person* that becomes a debt to the *City* under the *Administrative Monetary Penalties By-law* may be added to the municipal tax roll and collected in the same manner as municipal taxes.

## **10.0 Fines**

- (1) Every *Person* who contravenes a provision of this By-law or direction provided by a *Municipal Law Enforcement Officer* in order to achieve compliance shall be guilty of an offence and upon conviction shall be liable to a fine, subject to the *Provincial Offences Act*, R.S.O. 1990, C. P.33, not exceeding one-hundred thousand dollars (\$100,000.00).
- (2) Where a *Person* who contravenes any provisions of this By-law or a direction provided by a *Municipal Law Enforcement Officer* in order to achieve compliance is a *Corporation*, every director or officer of the *Corporation* who knowingly contravened any of the provisions of this By-law, is guilty of an offence and liable to a fine not exceeding one-hundred thousand dollars

(\$100,000.00).

(3) In addition to the fines in section 10.0, a court may impose a special fine exceeding one-hundred thousand dollars (\$100,000.00) designed to eliminate any economic advantage or gain from contravening this By-law.

(4) Where a *Person* has been convicted of an offence under this By-law, a court of competent jurisdiction may, in addition to any other penalty imposed, make an order prohibiting the continuation or repetition of the offence.

#### **11.0 Recovery of City Costs**

(1) If a *Person* fails to undertake any work or other action prescribed by a *Notice to Comply*, the *City* or its agents, acting on the *City's* behalf, may enter upon the places, *Premises*, or vehicles associated with the *Filming Event Permit* at any reasonable time for the purposes of doing the things described in the *Notice to Comply*, such as remedial work.

(2) Costs incurred by the *City* in doing the work in accordance with this By-law may be recovered by adding the costs to the tax roll and collecting them in the same manner as taxes.

Voted in favour by City of Vaughan Council this 26<sup>th</sup> day of September, 2023.

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Steven Del Duca, Mayor

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Todd Coles, City Clerk