

## **CITY OF VAUGHAN**

### **EXTRACT FROM COUNCIL MEETING MINUTES OF OCTOBER 21, 2020**

Item 6, Report No. 44, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on October 21, 2020.

#### **6. BY-LAW CONSOLIDATION TECHNICAL AMENDMENTS**

**The Committee of the Whole recommends approval of the recommendation contained in the following report of the Deputy City Manager, Infrastructure Development, dated October 6, 2020:**

##### **Recommendations**

1. Adopt the recommendations in Attachment 1 of this report; and
2. Authorize staff to undertake any other actions required to implement the recommendations of this report, including any consequential amendments to other by-laws.

## Committee of the Whole (1) Report

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**DATE:** Tuesday, October 06, 2020

**WARD(S):** ALL

**TITLE: BY-LAW CONSOLIDATION TECHNICAL AMENDMENTS**

**FROM:**

Sunny Bains, Acting Deputy City Manager, Community Services

**ACTION:** DECISION

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**Purpose**

As staff continue to review and revise the City's regulatory by-laws as part of its Council-approved By-law Strategy, the need to ensure consistency across by-laws has been identified as a first step towards eventual codification. This report seeks authority to implement a series of housekeeping amendments and to consolidate one additional by-law.

**Report Highlights**

- Through the By-law Strategy, staff ensure the City's by-laws are municipally relevant, responsive to community needs and transparent to the public.
- In September of 2018, staff began the process of consolidating its regulatory by-laws to ensure accessibility and transparency and as an interim step in the codification process. This report seeks approval for additional consolidation and a series of by-law technical amendments.
- Consolidation and harmonization support a number of Council priorities, including good governance, citizen experience and operational performance.

**Recommendations**

1. Adopt the recommendations in Attachment 1 of this report; and
2. Authorize staff to undertake any other actions required to implement the recommendations of this report, including any consequential amendments to other by-laws.

## **Background**

The amendments proposed in this report are minor in nature and reflect the ongoing scrutiny and review of the City's regulatory by-laws. In addition, and in keeping with the City's initiative to provide service excellence to residents and visitors, staff continue to place more by-laws under the City's Administrative Monetary Penalties program. The main purpose of this initiative is to expedite offence disputes while providing a transparent and fair adjudication process.

## **Analysis and Options**

Staff are making a number of recommendations to ensure the consistency in both language and application of by-laws, and in particular with respect to enforcement powers and penalties (including the ongoing designation of certain by-laws under the Administrative Monetary Penalties program).

Specifically, staff are addressing the following issues:

1. As part of the ongoing initiative to have the penalties provisions of more by-laws administered through Administrative Monetary Penalties By-law 063-2019, staff propose to designate several new by-laws by adding them to Schedule 1. Designation expands the enforcement options for staff by being able to either issue fines under the Provincial Offences Act or monetary penalties under the Municipal Act. Correspondingly, within each designated by-law a new section referencing designation is to be added.
2. Staff are proposing that Special Events By-law 045-2018 become a designated by-law under the Administrative Monetary Penalties By-law. This facilitates enforcement actions by expediting the dispute process. Designation will require that an offence section for AMPs be added and that monetary penalties for offences be set at \$250.
3. The City's Dumping By-law 103-2020 was passed in the spring of 2020. Over the summer, through practical application and post-review, staff have identified a number of technical issues. Provisions relating to bins on the road, currently only address the placing of such bins. Staff propose to expand the provision to include "causing" or "permitting" the placement of bins. The expanded provision will give staff more leverage in dealing with illegally placed bins. Staff are also recommending that section 5.0(2) be amended to apply the height restriction of 20 centimetres to weeds as well as grass, thus eliminating any ambiguity about its applicability to growth other than grass. Finally, staff are also extending the requirements of the long grass and weeds provision to the boulevard. This amendment will consolidate all grass and weed related regulations, making corresponding regulations in other

existing by-laws redundant; thus, staff are also recommending the repeal of City Boulevards By-law 202-2006.

4. The City's Short-Term Rental By-law 158-2019 came into effect on January 1, 2020. With the onset of COVID-19, short-term rental activity came to a halt in mid March, but started up again in July. In the meantime, staff have identified a few areas for regulatory improvement, including more consistent application of licensing requirements across classes of people, specifically applicants and licensees. Staff are also recommending that the requirement for a brokerage to maintain residency in Canada be eliminated, thus facilitating the legal operation of brokerages, as many originate abroad. Staff are also recommending adding new definitions and provisions to more explicitly lay out licensing requirements for short-term rental brokerages and make it easier for the City to serve notices, penalties and fines and to otherwise undertake enforcement activities. Finally, staff are also recommending reflecting these changes in Municipal Accommodation Tax, Short Term Rental By-law 183-2019.
5. Recent amendments to the Fence By-law require corresponding changes to Encroachment By-law 034-2017. Specifically, staff recommend reflecting new fence height restrictions to create consistency in application across regulations. Staff are also proposing that the fence height exemption process under the Fence By-law be available to encroaching fences. Currently only fences on private property may apply for a fence height exemption.
6. The City's Filming By-law 371-2004 was recently consolidated; however, this proposed amendment is to eliminate the fee, currently residing within the by-law, and instead referencing the Fees and Charges By-law, the central repository for all regulatory by-law related fees (except business licensing).
7. A technical amendment is being proposed for Tree Protection By-law 052-2018 to set the Part I fine to \$250, as authorized by the Ministry of the Attorney General.
8. Staff are proposing more explicit language in Animal Control By-law 066-2020 by adding a new section that makes it an offence to have custody of a pit bull, as defined under the Dog Owners' Liability Act. In addition, staff are also recommending being more specific about who is required to provide proof of microchipping for seized or impounded dogs. The requirement would be limited to residents of the city and when a microchip cannot be detected.
9. COVID-19 Emergency Measures By-law 037-2020 was adopted by Council in response to the evolving COVID-19 pandemic. The by-law was designed to

support and augment the measures prescribed under the Emergency Management and Civil Protection Act, R.S.O. 1990 (“EMCPA”), including delegating powers to the Head of Council, the City Manager and the Director, By-law and Compliance, Licensing and Permit Services. On July 24, the Province terminated the state of emergency and transitioned the Orders issued under the EMCPA to the Reopening Ontario (A Flexible Response to COVID-19) Act, 2020. As a result, staff are recommending amending the By-law to reflect this change. In addition, staff are recommending further clarification on the authority to issue enforcement orders under the By-law.

In addition, staff are recommending the consolidation of Photography Permits By-law 202-2006, by repealing it and introducing a new by-law that consolidates all regulations and incorporates the aforementioned enforcement powers and penalty provisions. Staff are also recommending that references to Recreation and Culture be changed to Recreation Services and that permits no longer be available for Scott House and Railway Station in Kleinburg, thus aligning the by-law with current practice.

### **Financial Impact**

There are no anticipated financial impacts to the City as a result of the recommendations of this report.

### **Broader Regional Impacts/Considerations**

The recommendations in this report do not have an impact on other municipalities, the Region or any of its agencies.

### **Conclusion**

In accordance with Vaughan Council’s strategic priorities of *Active, Safe and Diverse Communities* and *Good Governance*, the proposed amendments will provide greater clarity to the public with respect to the City’s existing regulations. The City’s regulations are not only intended to protect the health, safety and well-being of its residents and visitors, but also to promote its community standards and social values.

In addition, by-law consolidation is an ongoing process to culminate in the creation of a Vaughan Municipal Code and improve both *Operational Performance* and *Good Governance*.

**For more information**, please contact: Gus Michaels, Director of By-law and Compliance, Licensing and Permit Services, ext. 8735.

## **Attachments**

1. Proposed Amendments

### **Prepared by**

Rudi Czekalla-Martinez, Manager, Policy & Business Planning, ext. 8782

### **Approved by**



Sunny Bains,  
Acting Deputy City Manager of  
Community Services

### **Reviewed by**



Jim Harnum, City Manager

## **Recommendations**

1. That the following by-laws be amended by adding a section making them designated by-laws under the Administrative Monetary Penalties By-law:  
  
Animal Control By-law 066-2020  
Special Events By-law 045-2018  
Filming By-law 371-2004
2. That Schedule 1 of Administrative Monetary Penalties By-law 063-2019 be amended to include the by-laws above and also include the new consolidated Photography Permits By-law.
3. That Special Events By-law 045-2018 be amended by adding an AMPs offence section and that monetary penalties for offences be set at \$250.
4. That Dumping By-law be amended by expanding the offence in section 6.0(1) to include “cause or permit”.
5. That Dumping By-law be amended by extending the height restriction of 20 centimetres in section 5.0(2) to also include weeds (as well as grass) and for the restriction to further apply to grass and weeds on the boulevard.
6. That City Boulevards By-law 202-2006, and all of its amendments, be repealed.
7. That Short Term Rental By-law 158-2019 be amended by ensuring that all relevant requirements apply equally to applicants and renewing licensees, and that the residency requirement for short-term rental brokerages be eliminated.
8. That Encroachment By-law 034-2017 be amended to reflect the fence height restrictions approved under the new Fence By-law and that a provision be added to allow for fence height exemptions in accordance with same.
9. That Filming By-law 371-2004 be amended to make reference to the Fees and Charges By-law for all permit fees.
10. That Tree Protection By-law 052-2018 be amended to reflect a minimum fine of \$250, which is the amount authorized by the Ministry of the Attorney General.

11. That Short-Term Rental By-law 158-2019 be amended by amending the definition for “Operator” to include the act of marketing and to add a definition for “Market” in order to better capture the activity of facilitating and advertising short-term rentals.
12. That Short-Term Rental By-law 158-2019 be amended by expanding the definition of “Person” so as to include subsidiaries of a corporate entity and multiple persons where the context is appropriate.
13. That Short-Term Rental By-law 158-2019 be amended by amending the definition of “Short-Term Rental Brokerage” to include marketing activities across various electronic media and by expanding the requirements on Short Term Rental Brokerages to maintain certain booking information.
14. That section 13.0(1) of Short-Term Rental By-law 158-2019 be amended by more explicitly identifying service requirements for notices, with respect to corporations.
15. That Short-Term Rental By-law 158-2019 be amended by adjusting all minimum fines to \$500, in accordance with the Provincial Offences Act.
16. That Municipal Accommodation Tax, Short-Term Rental By-law 183-2019 be amended to reflect the same definitions and requirements as By-law 158-2019.
17. That Animal Control By-law 066-2020 be amended by adding a section to prohibit having custody of a pit bull, as defined under the Dog Owners’ Liability Act, R.S.O., 1990, and to amend section 14.0(4) to limit the requirement for proof of microchipping to residents of the city when the microchip cannot be detected.
18. That COVID-19 Emergency Measures By-law 037-2020 be amended by reflecting the change in authority for the issuance of emergency orders from the Emergency Management and Civil Protection Act, 1990, to the Reopening Ontario Act, 2020, and that, for greater certainty, the explicit authority of the Director and Chief Licensing Officer to issue enforcement orders be added.
19. That Photography Permits By-law 82-2006 and its amending by-law 207-2006 be repealed and replaced by a new consolidated by-law that also incorporates all other standard provisions, including enforcement powers and penalties and fine provisions under both the Provincial Offences Act and the Administrative Monetary Penalties provisions of the Municipal Act, and that the new by-law no longer include Scott House and Railway Station in Kleinburg as available for photography permits.