

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 016-2017

A By-law to of the Corporation of the City of Vaughan to amend Licensing By-law No. 315-2005, as amended, to add new categories of businesses to be licensed, introduce a new system of licence renewal dates, and to amend Fees and Charges By-law No. 171-2013, as amended, to include fees for late licence renewal.

WHEREAS section 8(1) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provides that the powers of a municipality shall be interpreted broadly as to confer broad authority on a municipality to (a) enable it to govern its affairs as it considers appropriate, and (b) enhance its ability to respond to municipal issues;

AND WHEREAS section 11(3) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provides for a lower-tier municipality and an upper-tier municipality to pass by-laws respecting matters that include business licensing;

AND WHEREAS section 151(1) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provides for municipalities to provide for a system of licences with respect to businesses;

AND WHEREAS section 391(1) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provides for a municipality to impose fees or charges on persons for services or activities it provides and for the use of its property;

AND WHEREAS the Council of The Corporation of the City of Vaughan, without limiting the obligations of property owners, wishes to protect consumers from unscrupulous service providers, control nuisances arising from non-compliant behavior and actions by service providers, and protect the health and safety of the public by ensuring that all work carried out by service providers is in compliance with municipal standards;

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

1. Amend Licensing By-law 315-2005, as amended, as follows:

- (a) Add to Section 2.1, in alphabetical sequence, the following definitions:

“City-Approved Professional Association” or “CAPA” means an association representing an industry group of fence installers, landscapers, pavers, pool installers, or renovators, as defined in this By-law, that has met the requirements established by the Director for becoming a City-Approved Professional Association;

“Director” means the Director of By-law & Compliance, Licensing & Permit Services of the City of Vaughan or his or her designate;

“Driveway” has the same meaning as defined in the City of Vaughan’s Parking By-law No. 1-96, as amended, or its successor by-law;

“Endorsement” means the additional consent provided to the holder of a licence under this By-law to carry on a related business activity which would otherwise require a licence under this By-law.

“Fence” has the same meaning as defined in the City of Vaughan’s Fence By-law No. 80-90, as amended, or its successor by-law;

“Fence Installer” means any *Person* who is engaged in the business of installing exterior fences, bannisters or rails, including pool enclosures, and includes any *Person* who solicits for such work, or who in any way advertises or holds themselves out to the public as performing such work, but does not include an individual who is employed by a licensed *Fence Installer* as long as the individual does not perform such work outside his or her employment with the licensed *Fence Installer*;

“Landscape” means any *Person* who is engaged in the business of creating, altering or maintaining hard or soft landscaping features, and includes any *Person* who solicits for such work, or who in any way advertises or holds themselves out to the public as performing such work, but does not include an individual who is employed by a licensed *Landscape* as long as the individual does not perform such work outside his or her employment with the licensed *Landscape*;

“Parking Lot” has the same meaning as defined in the City of Vaughan’s Zoning By-law No. 1-88, as amended, or its successor by-law;

“Paver” means any *Person* who is engaged in the business of paving, resurfacing, repairing or sealing *Driveways* or *Parking Lots* situated on private property (which may include municipal boulevards adjacent to such private property), and includes any *Person* who solicits for such work, or who in any way advertises or holds themselves out to the public as performing such work, but does not include an individual who is employed by a licensed *Paver* as long as the individual does not perform such work outside his or her employment with the licensed *Paver*;

“Pool Installer” means any *Person* who engages in the business of installing swimming pools or hot tubs, and includes any *Person* who solicits for such work, or who in any way advertises or holds themselves out to the public as performing such work, but does not include an individual who is employed by a licensed *Pool Installer* as long as the individual does not perform such work outside his or her employment with the licensed *Pool Installer*;

“Renovator” means any *Person* who engages in the business of altering, repairing or renovating buildings or structures, 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 performing such work, but does not include a *Person* whose principal business is the construction of new buildings covered by a new home warranty backstopped by Tarion, or any trade required to be licensed or otherwise certified by provincial legislation, or an individual who is employed by a licensed *Renovator* as long as the individual does not perform such work outside his or her employment with the licensed *Renovator*;

“Swimming Pool” has the same meaning as the term defined in the City of Vaughan’s Fence By-law No. 80-90, as amended, or its successor by-law;

(b) Amend section 4.1(1) as follows:

- (1) under the definition of “Chief Licensing Officer” replacing “The Manager of Special Projects, Licensing and Permits for the City or his or her designate” with “The Director”;
- (2) under the definition of “Licensing Office” replacing “the Clerk’s Department” with “By-law & Compliance, Licensing & Permit Services”;
- (3) under the definition of “Manager” replacing “Special Projects, Licensing and Permits, Insurance-Risk Management” with “Policy & Business Planning”.

(c) Add the following sections, in numerical sequence, as follows:

16.1 FENCE INSTALLERS

- (1) In addition to the requirements set out in section 4.3, every application for a *Fence Installer’s* licence shall include proof, satisfactory to the *Chief Licensing Officer*, that every employee or other person under the applicant’s charge is insured in accordance with the *Work Safety and Insurance Act, 1997*, as amended.
- (2) In addition to the requirements set out in section 4.3, every application for a *Fence Installer’s* licence shall include, by way of certificate of insurance satisfactory to the *Chief Licensing Officer*, proof of a minimum limit of two million dollars (\$2,000,000) in commercial general liability insurance coverage;
- (3) Every applicant for an initial *Fence Installer’s* licence, who also holds a valid licence in a municipality with requirements that, to the satisfaction of the *Chief Licensing Officer*, similarly meet the licensing requirements of this By-law, may be eligible:
 - a) to have the similar requirements in this By-law deemed to be satisfied by the *Chief Licensing Officer*; and
 - b) to pay the renewal (rather than initial) rate for the licence.
- (4) Every applicant for *Fence Installer’s* licence, or its renewal, who is a member in good standing of a *City-Approved Professional Associations* representing *Fence Installers*, may be eligible to receive a discount of 20% from the corresponding fee.
- (5) Prior to accepting any payment from a customer or commencing any work for a customer, a *Fence Installer* shall provide a written contract to said customer, specifying the work to be performed and the schedule of payment and such contract shall be signed by the *Fence Installer* and presented to the customer for acceptance and signature.
- (6) Prior to providing a written contract pursuant to section 16.1(5), a *Fence Installer* shall inform the customer in writing of all local by-laws that affect or may affect

the proposed project and shall also inform the customer in writing of any permits required by the *City*. For greater clarity, this information shall be provided in a communication separate and apart from the contract.

- (7) The work performed by a *Fence Installer* shall be in compliance with all *City* by-laws and regulations, and where required shall include a valid permit, granted exemption or supporting decision.
- (8) Every vehicle actively used in connection with the business of a *Fence Installer*, with the exception of a personal vehicle used only for the purposes of visiting a work site to meet a customer, provide a quote or check on the progress of ongoing work, shall have visibly displayed on the dashboard a placard identifying the business name and *City of Vaughan* licence number in a form satisfactory to the *Chief Licensing Officer*.
- (9) Placards, as provided for in section 16.1(8) are only transferable to other vehicles used primarily in connection with the licensed business, but does not include any vehicles belonging to or used in connection with any sub-contractors of the licensed business.
- (10) Vehicle licensing placards are subject to the fees set out in Fees and Charges By-law No. 171-2013, as amended, or its successor by-law.
- (11) Every outdoor sign or other advertising or promotional device used in the *City of Vaughan* in connection with the business of a *Fence Installer* shall include its corresponding *City of Vaughan* licence number in a form satisfactory to the *Chief Licensing Officer*.

19.5 LANDSCAPERS

- (1) In addition to the requirements set out in section 4.3, every application for a *Landscaper's* licence shall include proof, satisfactory to the *Chief Licensing Officer*, that every employee or other person under the applicant's charge is insured in accordance with the *Work Safety and Insurance Act, 1997*, as amended.
- (2) In addition to the requirements set out in section 4.3, every application for a *Landscaper's* licence shall include, by way of certificate of insurance satisfactory to the *Chief Licensing Officer*, proof of a minimum limit of two million dollars (\$2,000,000) in commercial general liability insurance coverage;
- (3) Every applicant for an initial *Landscaper's* licence, who also holds a valid licence in a municipality with requirements that, to the satisfaction of the *Chief Licensing Officer*, similarly meet the licensing requirements of this By-law, may be eligible:
 - a) to have the similar requirements in this By-law deemed to be satisfied by the *Chief Licensing Officer*; and
 - b) to pay the renewal (rather than initial) rate for the licence.
- (4) Every applicant for *Landscaper's* licence, or its renewal, who is a member in good standing of a *City-Approved Professional Associations* representing

Landscapers, may be eligible to receive a discount of 20% from the corresponding fee.

- (5) Prior to accepting any payment from a customer or commencing any work for a customer, a *Landscaper* shall provide a written contract to said customer, specifying the work to be performed and the schedule of payment and such contract shall be signed by the *Landscaper* and presented to the customer for acceptance and signature.
- (6) Prior to providing a written contract pursuant to section 19.5(5), a *Landscaper* shall inform the customer in writing of all local by-laws that affect or may affect the proposed project and shall also inform the customer in writing of any permits required by the *City*. For greater clarity, this information shall be provided in a communication separate and apart from the contract.
- (7) The work performed by a *Landscaper* shall be in compliance with all *City* by-laws and regulations, and where required shall include a valid permit, granted exemption or supporting decision.
- (8) Every vehicle actively used in connection with the business of a *Landscaper*, with the exception of a personal vehicle used only for the purposes of visiting a work site to meet a customer, provide a quote or check on the progress of ongoing work, shall have visibly displayed on the dashboard a placard identifying the business name and *City of Vaughan* licence number in a form satisfactory to the *Chief Licensing Officer*.
- (9) Placards, as provided for in section 19.5(8) are only transferable to other vehicles used primarily in connection with the licensed business, but does not include any vehicles belonging to or used in connection with any sub-contractors of the licensed business.
- (10) Vehicle licensing placards are subject to the fees set out in Fees and Charges By-law No. 171-2013, as amended, or its successor by-law.
- (11) Every outdoor sign or other advertising or promotional device used in the *City of Vaughan* in connection with the business of a *Landscaper* shall include its corresponding *City of Vaughan* licence number in a form satisfactory to the *Chief Licensing Officer*.

21.3 PAVERS

- (1) In addition to the requirements set out in section 4.3, every application for a *Paver's* licence shall include proof, satisfactory to the *Chief Licensing Officer*, that every employee or other person under the applicant's charge is insured in accordance with the *Work Safety and Insurance Act, 1997*, as amended.
- (2) In addition to the requirements set out in section 4.3, every application for a *Paver's* licence shall include, by way of certificate of insurance satisfactory to the *Chief Licensing Officer*, proof of a minimum limit of two million dollars (\$2,000,000) in commercial general liability insurance coverage;

- (3) Every applicant for an initial *Paver's* licence, who also holds a valid licence in a municipality with requirements that, to the satisfaction of the *Chief Licensing Officer*, similarly meet the licensing requirements of this By-law, may be eligible:
 - a) to have the similar requirements in this By-law deemed to be satisfied by the *Chief Licensing Officer*; and
 - b) to pay the renewal (rather than initial) rate for the licence.
- (4) Every applicant for *Paver's* licence, or its renewal, who is a member in good standing of a *City-Approved Professional Associations* representing *Pavers*, may be eligible to receive a discount of 20% from the corresponding fee.
- (5) Prior to accepting any payment from a customer or commencing any work for a customer, a *Paver* shall provide a written contract to said customer, specifying the work to be performed and the schedule of payment and such contract shall be signed by the *Paver* and presented to the customer for acceptance and signature.
- (6) Prior to providing a written contract pursuant to section 21.3(5), a *Paver* shall inform the customer in writing of all local by-laws that affect or may affect the proposed project and shall also inform the customer in writing of any permits required by the *City*. For greater clarity, this information shall be provided in a communication separate and apart from the contract.
- (7) The work performed by a *Paver* shall be in compliance with all *City* by-laws and regulations, and where required shall include a valid permit, granted exemption or supporting decision.
- (8) Every vehicle actively used in connection with the business of a *Paver*, with the exception of a personal vehicle used only for the purposes of visiting a work site to meet a customer, provide a quote or check on the progress of ongoing work, shall have visibly displayed on the dashboard a placard identifying the business name and *City of Vaughan* licence number in a form satisfactory to the *Chief Licensing Officer*.
- (9) Placards, as provided for in section 21.3(8) are only transferable to other vehicles used primarily in connection with the licensed business, but does not include any vehicles belonging to or used in connection with any sub-contractors of the licensed business.
- (10) Vehicle licensing placards are subject to the fees set out in Fees and Charges By-law No. 171-2013, as amended, or its successor by-law.
- (11) Every outdoor sign or other advertising or promotional device used in the *City of Vaughan* in connection with the business of a *Paver* shall include its corresponding *City of Vaughan* licence number in a form satisfactory to the *Chief Licensing Officer*.

23.1 POOL INSTALLERS

- (1) In addition to the requirements set out in section 4.3, every application for a *Pool Installer's* licence shall include proof, satisfactory to the *Chief Licensing Officer*, that every employee or other person under the applicant's charge is insured in accordance with the *Work Safety and Insurance Act, 1997*, as amended.
- (2) In addition to the requirements set out in section 4.3, every application for a *Pool Installer's* licence shall include, by way of certificate of insurance satisfactory to the *Chief Licensing Officer*, proof of a minimum limit of two million dollars (\$2,000,000) in commercial general liability insurance coverage;
- (3) Every applicant for an initial *Pool Installer's* licence, who also holds a valid licence in a municipality with requirements that, to the satisfaction of the *Chief Licensing Officer*, similarly meet the licensing requirements of this By-law, may be eligible:
 - a) to have the similar requirements in this By-law deemed to be satisfied by the *Chief Licensing Officer*; and
 - b) to pay the renewal (rather than initial) rate for the licence.
- (4) Every applicant for *Pool Installer's* licence, or its renewal, who is a member in good standing of a *City-Approved Professional Associations* representing *Pool Installers*, may be eligible to receive a discount of 20% from the corresponding fee.
- (5) Prior to accepting any payment from a customer or commencing any work for a customer, a *Pool Installer* shall provide a written contract to said customer, specifying the work to be performed and the schedule of payment and such contract shall be signed by the *Pool Installer* and presented to the customer for acceptance and signature.
- (6) Prior to providing a written contract pursuant to section 16.1(5), a *Pool Installer* shall inform the customer in writing of all local by-laws that affect or may affect the proposed project and shall also inform the customer in writing of any permits required by the *City*. For greater clarity, this information shall be provided in a communication separate and apart from the contract.
- (7) The work performed by a *Pool Installer* shall be in compliance with all *City* by-laws and regulations, and where required shall include a valid permit, granted exemption or supporting decision.
- (8) Every vehicle actively used in connection with the business of a *Pool Installer*, with the exception of a personal vehicle used only for the purposes of visiting a work site to meet a customer, provide a quote or check on the progress of ongoing work, shall have visibly displayed on the dashboard a placard identifying the business name and *City of Vaughan* licence number in a form satisfactory to the *Chief Licensing Officer*.

- (9) Placards, as provided for in section 16.1(8) are only transferable to other vehicles used primarily in connection with the licensed business, but does not include any vehicles belonging to or used in connection with any sub-contractors of the licensed business.
- (10) Vehicle licensing placards are subject to the fees set out in Fees and Charges By-law No. 171-2013, as amended, or its successor by-law.
- (11) Every outdoor sign or other advertising or promotional device used in the *City of Vaughan* in connection with the business of a *Pool Installer* shall include its corresponding *City of Vaughan* licence number in a form satisfactory to the *Chief Licensing Officer*.

25.2 RENOVATORS

- (1) In addition to the requirements set out in section 4.3, every application for a *Renovator's* licence shall include proof, satisfactory to the *Chief Licensing Officer*, that every employee or other person under the applicant's charge is insured in accordance with the *Work Safety and Insurance Act, 1997*, as amended.
- (2) In addition to the requirements set out in section 4.3, every application for a *Renovator's* licence shall include, by way of certificate of insurance satisfactory to the *Chief Licensing Officer*, proof of a minimum limit of two million dollars (\$2,000,000) in commercial general liability insurance coverage;
- (3) Every applicant for an initial *Renovator's* licence, who also holds a valid licence in a municipality with requirements that, to the satisfaction of the *Chief Licensing Officer*, similarly meet the licensing requirements of this By-law, may be eligible:
 - a) to have the similar requirements in this By-law deemed to be satisfied by the *Chief Licensing Officer*; and
 - b) to pay the renewal (rather than initial) rate for the licence.
- (4) Every applicant for *Renovator's* licence, or its renewal, who is a member in good standing of a *City-Approved Professional Associations* representing *Renovators*, may be eligible to receive a discount of 20% from the corresponding fee.
- (5) Prior to accepting any payment from a customer or commencing any work for a customer, a *Renovator* shall provide a written contract to said customer, specifying the work to be performed and the schedule of payment and such contract shall be signed by the *Renovator* and presented to the customer for acceptance and signature.
- (6) Prior to providing a written contract pursuant to section 16.1(5), a *Renovator* shall inform the customer in writing of all local by-laws that affect or may affect the proposed project and shall also inform the customer in writing of any permits required by the *City*. For greater clarity, this information shall be provided in a communication separate and apart from the contract.

- (7) The work performed by a *Renovator* shall be in compliance with all *City* by-laws and regulations, and where required shall include a valid permit, granted exemption or supporting decision.
- (8) Every vehicle actively used in connection with the business of a *Renovator*, with the exception of a personal vehicle used only for the purposes of visiting a work site to meet a customer, provide a quote or check on the progress of ongoing work, shall have visibly displayed on the dashboard a placard identifying the business name and *City of Vaughan* licence number in a form satisfactory to the *Chief Licensing Officer*.
- (9) Placards, as provided for in section 16.1(8) are only transferable to other vehicles used primarily in connection with the licensed business, but does not include any vehicles belonging to or used in connection with any sub-contractors of the licensed business.
- (10) Vehicle licensing placards are subject to the fees set out in Fees and Charges By-law No. 171-2013, as amended, or its successor by-law.
- (11) Every outdoor sign or other advertising or promotional device used in the *City of Vaughan* in connection with the business of a *Renovator* shall include its corresponding *City of Vaughan* licence number in a form satisfactory to the *Chief Licensing Officer*.

(d) Add the following fees, in alphabetical sequence, to Schedule "B":

CLASSES OF BUSINESS LICENCES	2017		2018		2019	
	INITIAL FEE	RENEWAL FEE	INITIAL FEE	RENEWAL FEE	INITIAL FEE	RENEWAL FEE
Fence Installer	\$360	\$180	\$371	\$185	\$382	\$191
Landscaper	\$360	\$180	\$371	\$185	\$382	\$191
Paver	\$360	\$180	\$371	\$185	\$382	\$191
Pool Installer	\$360	\$180	\$371	\$185	\$382	\$191
Renovator	\$360	\$180	\$371	\$185	\$382	\$191

(e) Add the following section to 4.1:

- (4) The Director shall have the following duties and responsibilities under this By-law:
 - (a) Establishing the criteria for City-Approved Professional Associations ("CAPAs");
 - (b) Granting CAPA status to professional associations, in accordance with the established criteria;
 - (c) Maintaining a publicly available list of CAPAs;
 - (d) Revoking, suspending, or placing conditions on the CAPA status of any professional association that he or she deems to no longer meet the established criteria or that otherwise has provided reasonable grounds to

believe that such professional association will not carry on or has not carried on its mandate and related activities with integrity or honesty or that its ongoing status as a CAPA is not in the public interest.

(f) Delete Schedule "H".

(g) Replace subsection 4.3(14) with the following:

- (a) Subject to subsections 4.3 (14) (b) to (e), all licences issued under this By-law must be renewed on the annual anniversary date of their issuance and where such date is not known or available, such renewals shall take place as follows:
 - i) For a corporation, registered partnership or registered sole proprietorship, on the annual anniversary date of the date of incorporation or registration;
 - ii) For a vehicle, if owned by a corporation, registered partnership or registered sole proprietorship, on the annual anniversary date of incorporation or registration;
 - iii) For a vehicle owned by a person, on the annual anniversary of the individual's date of birth;
 - iv) For a person, on the annual anniversary of the individual's date of birth.
- (b) Any licence not renewed by the date set out in 4.3(14)(a) shall be deemed to have lapsed, and the person, corporation, or partnership whose name the original licence was issued under shall be deemed to be operating without a licence.
- (c) Despite subsection 4.3(14)(b), a licence that has not lapsed by more than 90 days may still be renewed subject to the following:
 - i) That for a licence lapsed up to 30 days, a late renewal fee as per the Fees and Charges By-law, as amended, be paid in addition to the renewal fee; or
 - ii) That for a licence lapsed more than 30 days and up to 90 days, a late fee as per the Fees and Charges By-law, as amended, be paid in addition to the renewal fee.
- (d) A licence lapsed more than 90 days shall be deemed cancelled and no longer eligible for renewal.
- (e) Despite subsection 4.3(14)(a), if the Ontario Class "G" licence issued to a vehicle Operator licensed under this By-law expires prior to the renewal date of the licence, then such licence shall expire on the same date, unless the licensee submits in person to the Licensing Officer proof that the Operator's Ontario Class "G" licence has been renewed, in which case the Operator's licence under this By-law shall be reinstated for the balance of its term.
- (f) Despite subsection 4.3(14)(a), if the Ontario Class "G" licence issued to a vehicle Owner who operates the vehicle licensed under this By-law expires prior to the renewal date of the licence, then such licence shall expire on the same date, unless the licensee submits in person to the Licensing Officer proof that the Owner's Ontario

Class "G" licence has been renewed, in which case the Owner's licence under this By-law shall be reinstated for the balance of its term.

- (g) Despite subsection 4.3(14)(a), if the insurance on a vehicle licensed under this By-law expires prior to the renewal date of the licence, then such licence shall expire on the same date, unless the Owner or Operator submits in person to the Licensing Officer proof that the insurance on the vehicle has been reinstated or renewed, in which case the vehicle's licence under this By-law shall be reinstated for the balance of the term.
- (h) Despite subsection 4.3(14)(a), if the government work permit of any person licensed under this By-law expires prior to the renewal date of the licence, then such licence shall expire on the same date, unless the licensee submits in person to the Licensing Officer proof that the government work permit has been extended, in which case the person's licence under this By-law shall be reinstated for the balance of the term.

(h) Add the following section in numerical sequence, as follows:

4.4 ENDORSEMENTS

- (1) A *Person* who holds a licence pursuant to sections 16.1, 19.5, 21.3, 23.1 or 25.2 may apply for an *Endorsement* to perform additional business activity under sections 16.1, 19.5, 21.3, 23.1 or 25.2 by providing the *City* with notice of their intent to perform such additional business activities.
- (2) A *Person* performing an additional business activity under the authority of an *Endorsement*, pursuant to 4.4(1), shall comply with all of the pertinent provisions under this By-law with respect to the additional business activity.
- (3) Any *Person* licensed that intends to begin additional business activity, pursuant to 4.4(1), during the tenure of his or her licence shall comply with the provisions under section 5.0 of this By-law and obtain an *Endorsement* prior to commencing such additional business activity.

2. Amend the Fees and Charges By-law No. 171-2013, as amended, as follows:

(a) Amend the By-law & Compliance Services section of Schedule "I" by adding the following fees:

Fees	2017	2018	2019
Late renewal fee (up to 30 days after expiry)	\$ 50	\$ 52	\$ 53
Late renewal fee (after 30 days from expiry and up to 90 days after expiry)	\$ 100	\$ 103	\$ 106
Vehicle licensing placard fee (per card)	\$ 5	\$ 5	\$ 5

3. This By-law comes into effect and force on the date enacted by City Council.

Enacted by City of Vaughan Council this 24th day of January, 2017.

Hon. Maurizio Bevilacqua, Mayor

Jeffrey A. Abrams, City Clerk

Authorized by Item No. 2 of Report No. 40
of the Committee of the Whole (Working Session)
Adopted by Vaughan City Council on
November 15, 2016.