

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF APRIL 19, 2017

Item 9, Report No. 13, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on April 19, 2017.

9 TECHNICAL AMENDMENTS TO THE LICENSING BY-LAW

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Deputy City Manager, Community Services, and Director of By-law & Compliance, Licensing & Permit Services, dated April 4, 2017:

Recommendation

The Deputy City Manager, Community Services, and Director of By-law & Compliance, Licensing & Permit Services, recommend:

1. That City Council approve eliminating the requirement for vehicle inspections at the time of business licence renewal (however, inspections would continue to be scheduled through Enforcement Services as required);
2. That City Council introduce a re-inspection fee of \$100.00 for any licensee who misses a scheduled inspection without providing prior notice or is required to have a re-inspection as a result of not meeting the requirements of the By-law;
3. That City Council approve eliminating the requirement for a medical clearance requirement;
4. That City Council approve eliminating the absence of communicable disease requirement for every person handling refreshments and in its place require that every person handling refreshments have Food Handlers Certification;
5. That City Council approve the elimination of business licence plate stickers;
6. That City Council approve the requirement for vehicular business owners to return all plates for which the associated licences are expired more than 90 days;
7. That City Council require Tow Truck Owners, Operators, and Brokerages to accept payment by credit or debit card;
8. That City Council require, as part of the licence application and renewal process, Tow Truck Owners to prove that each tow truck that is to operate or operates in Vaughan has a valid Commercial Vehicle Operator's Registration;
9. That City Council approve any consequential by-law amendments to give consistent effect to recommendations nos. 1-8; and
10. That City Council authorize staff to make the amendments to Licensing By-law No. 315-2005, as amended, to give effect to the recommendations and in a form satisfactory to the City Solicitor.

Contribution to Sustainability

Through these amendments, staff will be able to improve the customer experience while increasing efficiency by redeploying resources to other value-added activities, such as following up on delinquent renewals. This will have a positive impact on the financial sustainability of the Department's administrative operations.

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Economic Impact

Assuming a 5% re-inspection rate for the approximately 600 vehicles licensed by the City, the revenues from the new fee are expected to be about \$3,000 annually. This revenue will offset the resources required for those reinspections.

In addition, as a result of the efficiencies gained through this report's recommendations, staff expect to be able to undertake other emerging demands, such as the administration of additional licensing categories (as recently adopted by Council) while still providing more efficient customer service without any additional resources.

Communications Plan

The recommendations in this report will have a direct impact on licence renewal requirements. As a result, those affected will be notified through their annual renewal notices. Detailed information on the amendments and the consequent changes to licensing requirements will also be posted on the Department's web pages.

Notice of the proposed amendments to the Licensing By-law recommended in this report was conducted in accordance with Section 4(3) of the City's Notice By-law No. 394-2002.

Purpose

The purpose of this report is to seek Council authorization for a number of technical amendments to Licensing By-law No. 315-2005, as amended, to improve customer service, streamline administrative processes, eliminate redundancies, and support legislative changes.

Background – Analysis & Findings

The licence and permit issuing functions under the Office of the City Clerk were transferred to By-law & Compliance in February of 2016. The purpose of this transfer was to exploit synergies between the administrative and enforcement branches of Business Licensing & Permitting, thus achieving greater customer experience and service, fewer redundancies, modernizing of processes, and greater efficiencies. Beginning in Q3 of 2016, management staff began to undertake a review of its administrative operations. As part of this review, new renewal dates (based on date of issuance) and late renewal fees were instituted (Item 2, Report 40).

This report's recommendations form part of the ongoing review, modernization and streamlining of operations. Each of the recommendations is explained in turn below.

Elimination of Vehicle Inspections at Time of Renewal and Introduction of Re-inspection Fee

Under current regulations, owners of vehicles licensed under the City's Licensing By-law must go through an inspection when first licensed and then upon renewal each year. Staff are recommending to eliminate the re-inspection as a condition of renewal for the following reasons:

1. Enforcement staff can conduct scheduled inspections in batches over the course of the year to promote greater efficiency of both administrative and enforcement resources. In addition, in-field inspections will continue to be used as a tool to promote compliance. In the event a scheduled inspection is missed or failed, licensees will be required to reschedule and pay a \$100 fee for a follow-up re-inspection. This approach continues to ensure that the City is addressing the safety of vehicles and compliance with operational standards;
2. Renewal inspections is one of the main reasons for licensees being required to attend in-person to process their renewal. Eliminating this requirement will bring the renewal of

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vehicular licences one step closer to full on-line renewal, a future endeavor that is currently under review. Therefore, eliminating this requirement as part of the renewal process will improve customer service by making renewals easier; and

3. The elimination of renewal vehicle inspections will decrease demands on licensing issuing staff, lowering the cost of that aspect of the service and increasing the amount of time that can be devoted to other licensing functions, such as following up on expired renewals. This change will also allow resources to be employed in other higher value-added activities.

Elimination of Medical Clearances

Under the By-law, certain person licences have a requirement for a medical certificate from a physician affirming that the applicant is in a fit state of health to operate a motorized vehicle. Staff are recommending this requirement be eliminated for the following reasons:

1. The requirement has not been consistently applied across categories of business licences. Limousine and Taxi Operators require the medical certificate as part of licensing, but Tow Truck Operators, Driving School Instructors and Refreshment Vehicle Operators do not; however, the latter are required to be “free from any skin abrasions and communicable diseases of any sort.” This latter requirement is overly broad and difficult to enforce. In addition, and despite these inconsistent requirements, there have not been any noted concerns in those categories that do not require the information;
2. Fitness to drive a vehicle in Ontario is determined and controlled by the Province. Medical doctors are required to notify the Ministry of Transportation if any of their patients are not medically fit to drive a vehicle;
3. The requirement is an additional clearance that has both a nominal and a time cost for licensees. The elimination of this requirement will make the renewal process less onerous and costly for licensees; and
4. The elimination of this requirement will reduce the step of scanning and saving the document, thus streamlining the licensing issuance process.

Requirement for Food Handler Certification

As noted above, under the by-law provisions governing Refreshment Vehicles, every person that handles or sells refreshments is required to be free from skin abrasions and communicable diseases of any sort. Although ideal, this requirement is not reasonably practical. Some communicable diseases are highly prevalent (such as the common cold), but can be mitigated through proper handling measures. Other communicable diseases (such as some highly common sexually transmitted illnesses) do not present a material risk when it comes to handling of food.

Instead of these overly restrictive and practically unenforceable provisions, staff are recommending that every person that every person in connection with a Refreshment Vehicle that handles refreshments be required to have Food Handler Certification. There are numerous certification providers accredited by the Ministry of Health and Long Term Care. Courses are generally about five hours long and cost about \$80. Certification is valid for five years.

Elimination of Business Licensing Plate Stickers

Currently, some, but not all, vehicles licensed are required under the By-law to have a business licensing plate and a validation sticker affixed to such plate. Staff are recommending the requirement for stickers be eliminated for the following reasons:

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1. The requirement has not been consistently applied across categories. Tow Truck Operators require the sticker as part of licensing, but other vehicular businesses do not. Although enforcement staff find the stickers initially helpful in identifying unlicensed vehicles, the same information can be provided to Officers through a daily electronic report; and
2. Since stickers are colour coded to indicate expiry year, their elimination will mean not having to transition to a system that will have to take into account recent amendments to renewal dates, making administration of their issuance more onerous and costly.

Requirement for Plates to be Returned to the City

Currently the By-law requires Owners, whose licences are suspended, to return all corresponding vehicle plates to the City.

Recent amendments to the Licensing By-law prescribe that a licence expired more than 90 days be irrevocably cancelled (not simply suspended), thus requiring, in the event the licensee wishes to become licensed again, a brand new application to be undertaken. Under such circumstances, Owners would also be required to return the corresponding plates to the City.

Requirement for Tow Trucks to Accept Credit and Debit Cards

In 2016, the Consumer Protection Act, 2002, was amended and O. Reg. 399/16 of the Highway Traffic Act was introduced to collectively include a number of new requirements for tow trucks. Staff are of the opinion that some of these requirements should also be reflected in the City's regulations for ease of enforcement.

Specifically, the Consumer Protection Act, since January 1, 2017, has required that tow and storage providers accept payment for services by credit card, cash and any other prescribed payment method at the consumer's choice. Also since January 1, 2017, O. Reg. 399/16 has required tow trucks to have a Commercial Vehicle Operator's Registration ("CVOR"). Staff are therefore recommending that these two requirements also be included in the City's Licensing By-law.

Long-term Impact to Service Delivery

The aim of the recommended by-law amendments and related process changes is to make the licence issuance and renewal process more efficient by moving towards eliminating the need for licensees to have to attend City offices in person. The exercise of modernizing the City's Licensing By-law and related processes is not only an exercise in ensuring effective service delivery and progressing in a direction to support future enhancements (e.g., enhanced on-line capabilities), but it is also strategically and purposely directly aligned with the Department's and the City's guiding public service principles of continuous improvement, citizen experience, staff and operational performance and fiscal sustainability/value for money.

Staff are working to position licensing-related processes so as to be able to conduct most, if not all, transactions on line over the next two years as licensing functions migrate to the latest version of the AMANDA system.

Relationship to Term of Council Service Excellence Strategy Map (2014-2018)

The recommendations in this report are in line with the following priorities and initiatives for this term of Council:

- Meet Council tax rate targets (no greater than 3%);
- Consistent service delivery;

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- Improvement through technology;
- Continuous improvement;
- Demonstrate value for money;
- Sustainable fiscal framework; and
- Effective service delivery

The recommendations of this report are also in line with the objectives and deliverables of the By-law Strategy, mainly to ensure that the City has by-laws and related processes in place that are relevant, effective and sustainable.

Regional Implications

There are no direct regional implications from the recommendations of this report. However, staff are currently engaged in discussions with the City of Markham and the Town of Richmond Hill to simplify and harmonize municipal regulations across the private ground passenger transportation industry in an effort to modernize and foster the economic viability of the industry and to ensure the continued provision of a vital service to our communities. As a result, both of the aforementioned municipalities would be advised of the changes if approved by Council.

Conclusion

The proposed amendments are intended to allow for greater administrative efficiencies that will improve customer service, eliminate redundancies, modernize processes, and harmonize municipal regulations with recent legislative changes. These amendments are part of an ongoing review and revision of administrative processes that will culminate in most licensing transactions being offered as on-line self-services.

Attachments

None.

Report prepared by:

Rudi Czekalla Martínez
Manager, Policy & Business Planning

COMMITTEE OF THE WHOLE APRIL 4, 2017

TECHNICAL AMENDMENTS TO THE LICENSING BY-LAW

Recommendation

The Deputy City Manager, Community Services, and Director of By-law & Compliance, Licensing & Permit Services, recommend:

1. That City Council approve eliminating the requirement for vehicle inspections at the time of business licence renewal (however, inspections would continue to be scheduled through Enforcement Services as required);
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2. Renewal inspections is one of the main reasons for licensees being required to attend in-person to process their renewal. Eliminating this requirement will bring the renewal of vehicular licences one step closer to full on-line renewal, a future endeavor that is currently under review. Therefore, eliminating this requirement as part of the renewal process will improve customer service by making renewals easier; and
3. The elimination of renewal vehicle inspections will decrease demands on licensing issuing staff, lowering the cost of that aspect of the service and increasing the amount of time that can be devoted to other licensing functions, such as following up on expired renewals. This change will also allow resources to be employed in other higher value-added activities.

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Attachments

None.

Report prepared by:

Rudi Czekalla Martínez
Manager, Policy & Business Planning

Respectfully submitted,

Mary Reali
Deputy City Manager,
Community Services

Gus Michaels
Director, By-law & Compliance,
Licensing & Permit Services

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 038-2017

A By-law of the Corporation of the City of Vaughan to amend Consolidated Licensing By-law No. 315-2005, as amended, to make a number of technical amendments to improve customer service, streamline administrative processes, eliminate redundancies, and support legislative changes, and to amend Fees and Charges By-law No. 171-2013, as amended, to introduce a re-inspection fee.

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 wishes to provide consistent service delivery through the improvement of tools and resources and the implementation of a digital strategy that sets out how the City will deliver its services through multiple channels;

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 4.2, in numerical sequence, the following subsection:

(4.1) Every Owner of a motor vehicle that is licensed or required to be licensed under this By-law shall be subject to a licensing re-inspection fee, as set out in Fees and Charges By-law No. 171-2013, as amended, or its successor by-law, when:

- (a) A scheduled inspection, pursuant to 4.2(4) is missed without providing 24-hour prior notice to the Chief Licensing Officer, Licensing Officer or any other person authorized to enforce the provisions of this By-law; or
- (b) The Chief Licensing Officer, Licensing Officer or any other person authorized to enforce the provisions of this By-law determines in the course of a scheduled inspection pursuant to 4.2(4) that the vehicle does not meet the requirements of the By-law and a subsequent scheduled inspection will be required to ensure compliance.

(b) Amend Section 14.1 as follows:

- (i) Delete 14.1(3) and replace with it the following:

(3) Prior to the issuance of a Driving School Instructor Owner's Licence:

- a) The applicant shall produce the vehicle to be licensed for inspection and the Chief Licensing Officer, Licensing Officer or any other person authorized to enforce the provisions of this By-law, shall inspect the vehicle for conformity with this By-law;
- b) If the vehicle in question, in the opinion of the Chief Licensing Officer, Licensing Officer, or any other person authorized to enforce the provisions of this By-law, does not meet the requirements of this By-law, then the issuance of such licence shall not be granted until such time as the Chief Licensing

Officer, Licensing Officer or any other person authorized to enforce the provisions of this By-law, is satisfied that the vehicle is in conformity.

(ii) Delete 14.1(5)(k) and replace it with the following:

k) Return all plates that have been expired more than 90 days;

(c) Amend Section 20.0 as follows:

(i) Delete 20.0(11)b).

(ii) Delete 20.0(12)j).

(iii) Delete 20.0(13) and replace it with the following:

(13) Prior to the issuance of a Limousine Owner's Licence:

a) The applicant shall produce the vehicle to be licensed for inspection and the Chief Licensing Officer, Licensing Officer or any other person authorized to enforce the provisions of this By-law, shall inspect the vehicle for conformity to this By-law;

b) If the vehicle in question, in the opinion of the Chief Licensing Officer, Licensing Officer, or any other person authorized to enforce the provisions of this By-law, does not meet the criteria of this By-law, then the issuance of such licence shall not be granted until such time as the Chief Licensing Officer, Licensing Officer or any other person authorized to enforce the provisions of this By-law, is satisfied that the vehicle is in conformity.

(vi) Add 20.0(19) as follows:

(19) Upon suspension of a licence issued under this By-law, or upon a licence issued under this By-law being expired more than 90 days, the licensee shall return to the Chief Licensing Officer, Licensing Officer or any other person authorized to enforce the provisions of this By-law all plates issued by the City with reference to such licences, and any person authorized by this By-law to do so, shall have access to any premises or vehicles for the purpose of receiving or taking such plate or plates, and no person shall refuse to deliver the plates to a person authorized by this By-law or hinder or prevent said person from receiving or taking said plates.

(d) Amend Section 25.0 as follows:

(i) Add to 25.0(2) the following:

d) A valid Food Handler Certificate recognized by the Ontario Ministry of Health and Long Term Care.

(ii) Add to 25.0(4) the following:

b) A valid Food Handler Certificate recognized by the Ontario Ministry of Health and Long Term Care.

(iii) Delete 25.0(5) and replace it with the following:

(5) Prior to the issuance of a Refreshment Vehicle Owner's Licence, the applicant shall produce the vehicle to be licensed for inspection and the Chief Licensing Officer, Licensing Officer or any other person authorized to enforce the provisions of this By-law, shall inspect the vehicle for conformity to this By-law.

(iv) Delete 25.0(6) and replace it with the following:

(6) Notwithstanding subsection 25.0 (5), if the vehicle in question, in the opinion of the Chief Licensing Officer, Licensing Officer or any other person authorized to enforce the provisions of this By-law, does not meet the requirements and criteria of this By-law, then the issuance of such licence shall not be granted until such time as the Chief Licensing Officer, Licensing Officer or any other person authorized to enforce the provisions of this By-law, is satisfied that the vehicle is in conformity.

(v) Delete 25.0(8) and replace it with the following:

(8) Every person selling or handling refreshments shall be neat and clean in appearance.

(vi) Delete 25.0(9)c) and replace it with the following:

c) No Refreshment Vehicle is operated on any City property except when permission is first obtained in writing, dated not more than seven (7) days old, from the Chief Licensing Officer;

(vii) Renumbering 25.0(15) as 25.0(16) and then adding 25.0(15) as follows:

(15) Upon suspension of a licence issued under this By-law, or upon a licence issued under this By-law being expired more than 90 days, the licensee shall return to the Chief Licensing Officer, Licensing Officer or any other person authorized to enforce the provisions of this By-law, all plates issued by the City with reference to such licences, and any person authorized by this By-law to do so, shall have access to any premises or vehicles for the purpose of

receiving or taking such plate or plates, and no person shall refuse to deliver the plates to a person authorized by this By-law or hinder or prevent said person from receiving or taking said plates.

(e) Amend Section 27.0 as follows:

(i) Delete 27.0(4)b).

(ii) Delete 27.0(30)k).

(iii) Delete 27.0(31) and replace it with the following:

(31) Prior to the issuance of a Taxi Owner's Licence:

a) The owner shall produce the vehicle to be licensed for inspection and the Chief Licensing Officer, Licensing Officer or any other person authorized to enforce the provisions of this By-law, shall inspect the vehicle for conformity to this By-law;

b) If the vehicle in question, in the opinion of the Chief Licensing Officer, Licensing Officer, or any other person authorized to enforce the provisions of this By-law, does not meet the criteria of this By-law, then the issuance of such licence shall not be granted until such time as the Chief Licensing Officer, Licensing Officer or any other person authorized to enforce the provisions of this By-law, is satisfied that the vehicle is in conformity.

(iv) Delete 27.0(50) and replace it with the following:

(50) Upon suspension of a licence issued under this By-law, or upon a licence issued under this By-law being expired more than 90 days, the licensee shall return to

the Chief Licensing Officer, Licensing Officer or any other person authorized to enforce the provisions of this By-law, all plates issued by the City with reference to such licences, and any person authorized by this By-law to do so, shall have access to any premises or vehicles for the purpose of receiving or taking such plate or plates, and no person shall refuse to deliver the plates to a person authorized by this By-law or hinder or prevent said person from receiving or taking said plates.

(f) Amend Section 27.1 as follows:

(i) Delete 27.1(1j).

(ii) Delete 27.1(2) and replacing it with the following:

(2) Prior to the issuance of an Accessible Taxi Owner's Licence:

a) The applicant shall produce the vehicle to be licensed for inspection and the Chief Licensing Officer, Licensing Officer or any other person authorized to enforce the provisions of this By-law, shall inspect the vehicle for conformity to this By-law;

b) If the vehicle in question, in the opinion of the Chief Licensing Officer, Licensing Officer, or any other person authorized to enforce the provisions of this By-law, does not meet the criteria and standards of this By-law, then the issuance of such licence shall not be granted until such time as the Chief Licensing Officer, Licensing Officer or any other person authorized to enforce the provisions of this By-law is satisfied that the vehicle is in conformity.

(iii) Renumbering 27.1(9) as 27.1(10) and then adding 27.1(9) as follows:

- (9) Upon suspension of a licence issued under this By-law, or upon a licence issued under this By-law being expired more than 90 days, the licensee shall return to the Chief Licensing Officer, Licensing Officer or any other person authorized to enforce the provisions of this By-law, all plates issued by the City with reference to such licences, and any person authorized by this By-law to do so, shall have access to any premises or vehicles for the purpose of receiving or taking such plate or plates, and no person shall refuse to deliver the plates to a person authorized by this By-law or hinder or prevent said person from receiving or taking said plates.

(e) Amend Section 29.0 as follows:

(i) Add to 29.0(2) the following:

- j) Proof, satisfactory to the Licensing Officer, of a valid Commercial Vehicle Operator's Registration issued by the Ontario Ministry of Transportation.

(ii) Delete 29.0(3) and replace it with the following:

(2) Prior to the issuance of a Tow Truck Owner's Licence:

- a) The applicant shall produce the vehicle to be licensed for inspection and the Chief Licensing Officer, Licensing Officer or any other person authorized to enforce the provisions of this By-law, shall inspect the vehicle for conformity to this By-law;
- b) If the vehicle in question, in the opinion of the Chief Licensing Officer, Licensing Officer or any other person authorized to enforce the provisions of

this By-law, does not meet the criteria of this By-law, then the issuance of such licence shall not be granted until such time as the Chief Licensing Officer, Licensing Officer or any other person authorized to enforce the provisions of this By-law, is satisfied that the vehicle is in conformity.

(iii) Delete 29.0(22) and replace it with the following:

(22) Upon suspension of a licence issued under this By-law, or upon a licence issued under this By-law being expired more than 90 days, the licensee shall return to the Chief Licensing Officer, Licensing Officer or any other person authorized to enforce the provisions of this By-law, all plates issued by the City with reference to such licences, and any person authorized by this By-law to do so, shall have access to any premises or vehicles for the purpose of receiving or taking such plate or plates, and no person shall refuse to deliver the plates to a person authorized by this By-law or hinder or prevent said person from receiving or taking said plates.

(iv) Delete 29.0(32)b) and replace it with the following:

b) Have at all times prominently affixed to the rear portion on the exterior of the Tow Truck in respect of which the same was issued the Vaughan Licence Plate.

(v) Add 29.0(51.1) as follows:

(51.1) Every Brokerage, Owner and Operator is required to accept payment by credit and debit card from a Hirer.

2. Amend Fees and Charges By-law 171-2013, as amended, as follows:

(a) Add to Schedule "I", under By-law & Compliance Services, the following fee:

<u>ITEM</u>	<u>FEE OR CHARGE</u>	
	2017	2018
Licensing re-inspection fee	\$ 100	\$ 103

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

Enacted by City of Vaughan Council this 19th day of April, 2017.

Hon. Maurizio Bevilacqua, Mayor

Barbara A. McEwan, City Clerk

Authorized by Item No. 9 of Report No. 13
of the Committee of the Whole
Adopted by Vaughan City Council on
April 19, 2017.