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COMMUNICATION

CW (WORKING SESSION)

Nov 7/16

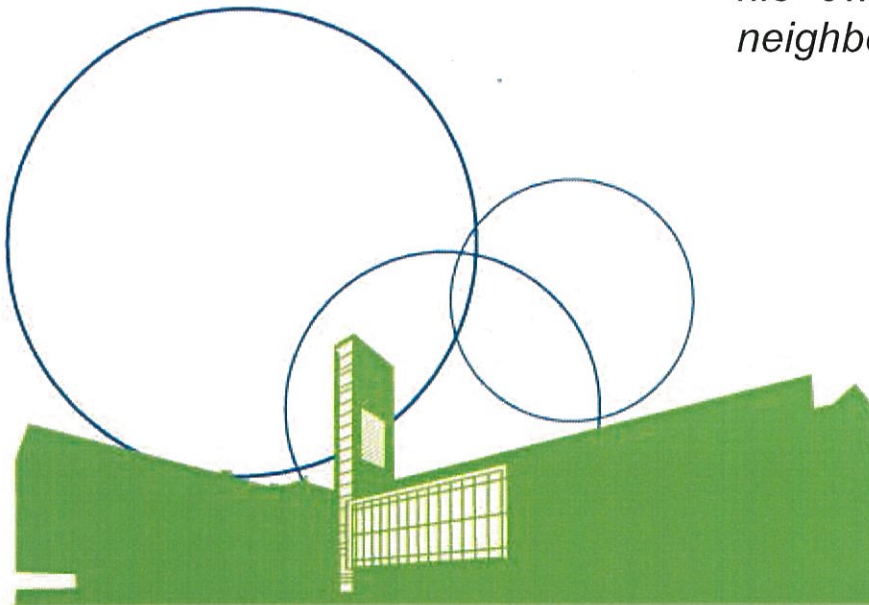
ITEM - 2

Licensing By-law Review

Introduction of New Business Categories

“A man is called selfish not for pursuing his own good, but for neglecting his neighbour's.”

--Richard Whately
(19th C. English writer)



Introduction of New Business Categories

Agenda

- Rationale for licensing
- Review overview
- Who will and will not be licensed
- Requirements of licensees
- City-approved professional associations
- Benefit to professional association members
- Role of professional associations



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Rationale for Licensing

- Work not conforming to local regulations (e.g., pool enclosures under the Fence By-law, driveway widening under Zoning)
- How work is done not in compliance with regulations (e.g., renovation debris dumped illegally, materials kept or stored inappropriately, waste bins placed on the roadway)
- Consumers not advised of relevant permit requirements (e.g., building permits, pool enclosures, curb cuts)

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Rationale for Licensing

Licensing provides additional enforcement leverage to meet three key municipal purposes:

- Nuisance control
Contractors not adhering to best/ethical practices (e.g., placing lawn signs throughout the neighbourhood in contravention of the Sign By-law, having no WSIB coverage for workers or general liability insurance)
- Public safety
No reliable way to vet and filter out high-risk operators (i.e., “fly-by-nighters”)
- Consumer protection
Owners have limited leverage and little to no recourse when dealing with unscrupulous contractors

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Review Overview

- Determined need on basis of identified issues
- Examined approaches taken by other municipalities
- Consulted with professional associations representing most of the businesses affected
- Developed proposed regulations on the basis of:
 - ✓ Achieving reasonable level of consumer protection;
 - ✓ Increasing leverage for the City to more effectively deal with nuisance-related issues;
 - ✓ Minimizing cost and red tape for licensees

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Who will be Licensed

- Renovators, including roofers and interior renovators
- Landscapers, including those providing maintenance services
- Pool installers, including hot tub installers
- Driveway pavers
- Fence installers

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Who will not be Licensed

- Developers
- Builders (new construction covered by Tarion)
- Electricians, Exterminators (required to be provincially licensed)
- Plumbers and others considered “compulsory trades” under the Ontario College of Trades and Apprenticeship Act

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Requirements of Licensees

- Background checks – criminal check for business owners/corporate officers
- General liability insurance
- WSIB for all eligible workers
- Must provide clients with written contract specifying scope of work and payment schedule
- Must advise clients of all relevant by-laws and permits required
- Must ensure final product, and how work is conducted, complies with existing by-laws
- Must display licence number on vehicles and advertisements

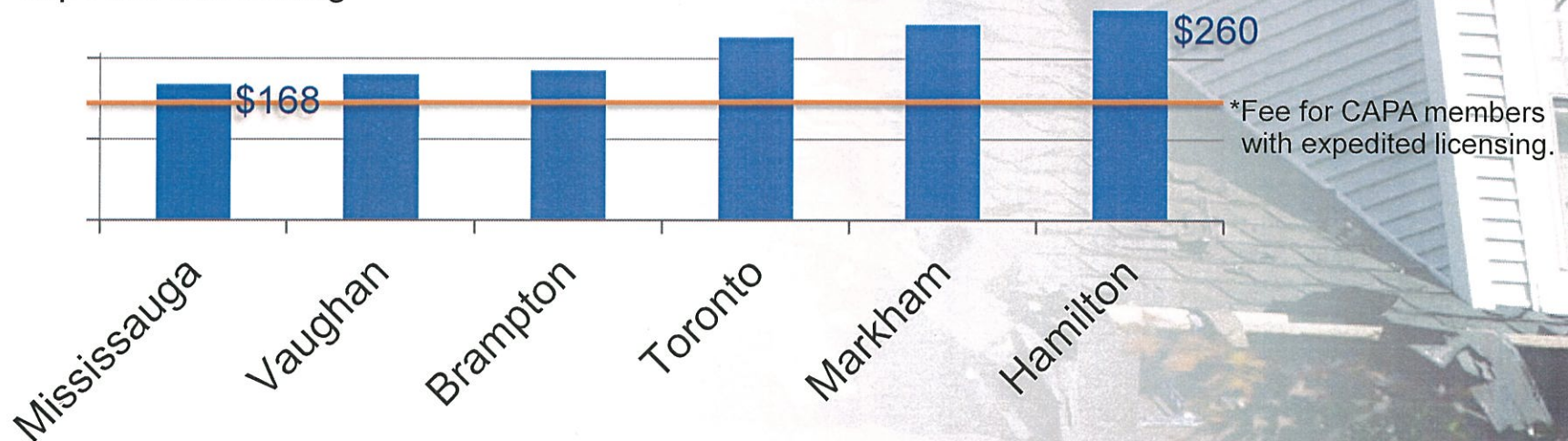
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City-approved Professional Associations

- Professional associations can play a key role in compliance by encouraging self-regulation and creating awareness with the public
- Members of professional associations that meet City criteria would be considered lower-risk licensees
- City criteria include: years of operation, number of members, geographic diversity of membership, constitution of board of directors, establishment of by-laws, member education/certification, established public complaints processes, diffusion of codes of behavior/ethics, and member disciplinary process
- Process and approvals would be managed under delegated authority of the Director, BCLPS

Introduction of New Business Categories Benefit to Professional Associations

- Members of City-approved Professional Associations (“CAPAs”) receive 20% discount on licensing fees (subject to legal review)
- Expedited licensing for those already licensed in good standing in another municipality with similar licensing requirements
- Initial fee of \$360 reduced to annual renewal rate of \$180 for those eligible for expedited licensing



Introduction of New Business Categories Benefit to Professional Associations

- Ability for CAPAs to refer complaints to the City for follow-up
- Protection of the industry through enforcement on 'rogue' operators
- Possibility of developing partnerships with the City to promote responsible and professional service and to encourage consumers to only use licensed businesses

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Role of Professional Associations

- Encourage professional/ethical conduct
- Encourage municipal licensing and adherence to municipal regulations
- Act as a liaison between the City and its members, providing information to members and input to the City on regulations
- Refer complaints that violate municipal by-laws

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Frequently Asked Questions

Q: What is the benefit of licensing for residents?

A: Licensing will strengthen consumer protection, safeguard public safety, and help to mitigate nuisances.

Q: What is the benefit of licensing for industries?

A: Licensing and related enforcement will put pressure on “fly-by-nighters” and thus help to level the competitive field for good business operators.

Q: What is the benefit of licensing for the City?

A: By making service providers more accountable, licensing will provide additional enforcement leverage to ensure compliance with all pertinent by-laws.

Q: When will the licensing requirement come into force?

A: The by-law will come into force upon approval, with staff working to create public awareness, educate and assist affected industries, and establish necessary administrative systems before enforcement is undertaken.

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