



<b>TO:</b>	<b>CHAIR AND MEMBERS COMMUNITY AND PROTECTIVE SERVICES COMMITTEE PUBLIC PARTICIPATION MEETING ON FEBRUARY 22, 2017</b>
<b>FROM:</b>	<b>G. KOTSIFAS, P. ENG. MANAGING DIRECTOR, DEVELOPMENT &amp; COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL</b>
<b>SUBJECT:</b>	<b>PUBLIC PARTICIPATION MEETING BUSINESS LICENSING BY-LAW REVIEW CONTRACTORS, DONATION BINS, PERSONAL SERVICE ESTABLISHMENTS, AND TOBACCO AND ELECTRONIC CIGARETTE RETAILERS</b>

**RECOMMENDATION**

That, on the recommendation of the Managing Director, Development & Compliance Services and Chief Building Official, this report **BE RECEIVED** as information, it being noted that upon completion of all public participation meetings related to the review of the Business Licensing By-law, a further public participation meeting will be scheduled to repeal and replace the current Business Licensing by-law as per the direction of Municipal Council on December 19, 2016.

**PREVIOUS REPORTS**

June 21, 2016	CPSC	Proposed new categories / existing by-law changes
November 15, 2016	CPSC	Putting Consumers First Act
December 13, 2016	CPSC	Status Update
January 24, 2017	CPSC/PPM	General Provisions, Payday Loans, Door to Door Sales

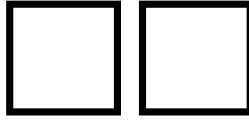
**BACKGROUND**

Civic Administration previously reported on a number of new categories of businesses to be licensed for a variety of municipal purposes, as well as consider existing businesses that require updated licensing regulations. The purpose of this report is to receive public comments on proposed licensing regulations for the following:

- Contractors
- Donation Bins
- Personal Service Establishments
- Tobacco and Electronic Cigarette Retailers

A public participation meeting (PPM) was held in January 2017 regarding the general provisions of the by-law and introduced two new business categories (door to door sales business and payday loan business) as schedules to the by-law. Over the next few months, we will complete the necessary public participation meetings that will introduce new categories as schedules, or amend existing categories as schedules. Civic Administration will then recommend adoption of the full by-law amendment including repeal of the existing Business Licensing By-law L-6. Civic Administration will endeavor to consolidate and present a final by-law for a PPM in June 2017.

As previously reported, Civic Administration is proposing to utilize section 23 of the *Municipal Act* authorizing the delegation of legislative powers. The intent of this section is to streamline City Council's decision-making process and enable it to focus on larger issues in a more strategic manner. The Licence Manager has a written Standard Operating Procedure on delegated authority of regulation development including public consultation and posting of the regulations on the City's web site.



## **Contractors**

Trades are generally referred to businesses that involve manual work in a particular trade or craft requiring skill. The City ought to regulate specified trades for the purpose of consumer protection against unfair or potentially unfair business practices.

Initially, Civic Administration proposed to licence a number of contractors including trades in the following industries: construction, renovation, heating, drain, or driveway contactors, plumbers, fence installers, drain layers, HVAC contractors, and pool contractors.

Consultations occurred with the London Home Builders Association, Chamber of Commerce and LiUNA Local 1059. The industry associations noted concerns that the public may perceive that issuance of a City Licence may give the false impression that the City has in some way validated or certified the contractor. Some members of the public might forgo the request for a written contract since the contractor is City licensed. The London Home Builders Association (LHBA) commented that many members of LHBA are already vetted by the RenoMark program. A RenoMark renovator agrees to abide by the LHBA Code of Ethics, provide a detailed and written contract for all jobs, offer a minimum two year warranty and carry a minimum of \$2 million liability insurance. Other contractors such as heating ventilation and air-conditioning (HVAC) have a number of different legislative regulations ensuring competent and safe workmanship.

As a result of these industry consultations, Civic Administration chose to focus on the types of contractors which generally have no provincial or dedicated association oversight and which the municipality receives consumer protection-related complaints.

The contractors recommended for licensing include:

- driveway contractors (new installation and maintenance of paving or interlocking brick, surface protectant applications, etc),
- pool fence installers
- mobile sign installation contractors. Currently, those that lease mobile signs are regulated under the Mobile Sign Business Licensing By-law L.-128-117. It is proposed that this existing by-law be consolidated into the Contractors Licensing category of the new business licensing by-law.

The following regulations are proposed for contractors:

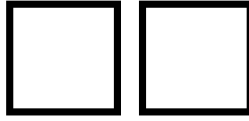
- Requirement for written quotations
- Liability insurance
- Compliance with municipal by-laws

The proposed annual fee for this business category is \$148. This fee takes into consideration enforcement (initial inspection, random inspections) and administration costs related to the Business Licensing by-law.

## **Donation Bins**

Donation bins are generally considered to be any receptacle located outdoors for the purpose of collecting items including, but not limited to, clothing, shoes, books, toys, electronics, and other household items that are donated by the public for re-use. The bins are operated by either for-profit or not-for-profit organizations.

The City should consider regulating donation bins for the purpose of prohibiting public nuisances on adjoining properties or the surrounding area as a result of the accumulation of garbage and debris around the bins.



City Administration has reported many cases of how the areas surrounding such bins became littered with garbage and debris akin to “mini-dumping grounds”, especially after weekend garage sales and end of the month tenant relocations. In many cases, including on City property, bins are placed on properties without the property owner’s knowledge. The clean-up and restoration of these bins can be hampered by the lack of identification as to who owns and operates the bins.

The following regulations are proposed for donation bins:

- Permission of property owner
- Standards around cleanliness and refuse control
- Posted bin identification

The proposed annual fee for this business category is \$60 per licence plus an annual-approved sticker verifying compliance. This fee takes into consideration enforcement (initial inspection, random inspections) and administration costs related to the Business Licensing by-law.

### **Personal Service Establishments**

The City’s Business Licensing By-law currently provides regulations for the licensing of both hairstyling shops and body modification in two separate licensing categories. The latter term encompasses businesses such as tattoo parlours, electrolysis, and body piercing establishments. From an efficiency perspective, it is preferable to consolidate a number of personal service-related establishments into one category.

Personal Service Establishments is a catch-all term generally used to describe a premise which provides services related to activities or treatments related to a person’s physical appearance. This proposed new category of business licence will include, but is not limited to, body modification, hairstyling shops, nail salons, and tanning bed operators.

The City ought to regulate personal service establishments for the purpose of ensuring that any activity or undertaking does not affect or could possibly adversely affect the health and safety of consumers or workers or result in illness, hazardous conditions, injury, or harm to any of these individuals, and for the purpose of consumer protection against unfair or potentially unfair business practices that could result in loss on the part of the consumer.

The following regulations are proposed for personal service establishments:

- Common health-related regulations regarding cleanliness
- Compliance with any applicable age-related provincial regulations

The proposed annual fee for this business category is \$179. This fee takes into consideration enforcement (initial inspection, random inspections) and administration costs related to the Business Licensing by-law.

### **Tobacco and Electronic Cigarette Retailers**

Tobacco retailers are generally referred to as a person or company engaged in the business of selling tobacco products. The Smoke Free Ontario Act defines tobacco products as tobacco in any processed or unprocessed form that may be smoked, inhaled or chewed, including, but not limited to, snuff/dip, tobacco, shisha, cigarillos, cigars, pipe tobacco and cigarettes.

Electronic cigarettes, also known as e-cigarettes, are any vaporizer or inhalant-type device, that contains a power source and heating element designed to heat a substance and produce a vapour intended to be inhaled by the user of the device directly through the mouth whether or not the vapour contains nicotine.

The City of London ought to regulate tobacco and e-cigarette retailers to ensure compliance with federal and provincial laws regarding the sale and use of tobacco products

The use and sale of tobacco products are clearly indicated in federal legislation (Tobacco Act) and provincial legislation (The Smoke-Free Ontario Act). Both Acts lay out regulations for the production, sale, marketing and use of tobacco products. However, Health Units across Canada

--	--

have asked their local municipalities to create their own additional licensing regulations regarding tobacco vendors, to help ensure compliance and enforcement of provincial and federal laws.

The following regulation is proposed for tobacco and electronic cigarette retailers:

- Compliance with Federal and Provincial health related regulations

The proposed annual fee for this business category is \$267. This fee takes into consideration enforcement (initial inspection, random inspections) and administration costs related to the Business Licensing by-law.

<b>PREPARED BY:</b>	<b>RECOMMENDED BY:</b>
<b>OREST KATOLYK, MLEO (C ) CHIEF MUNICIPAL LAW ENFORCEMENT OFFICER</b>	<b>GEORGE KOTSIFAS, P. ENG. MANAGING DIRECTOR, DEVELOPMENT AND COMPLIANCE SERVICES &amp; CHIEF BUILDING OFFICIAL</b>